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THE

SPEECHES

OF

THE RIGHT HONOURABLE

EDMUND BURKE,

IN

THE HOUSE OF COMMONS,

AND IN

WESTMINSTER-HALL.

IN FOUR VOLUMES.

VOL. I.

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VOL. I.

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INTRODUCTION.

A DESIRE having been pretty generally expressed, that Mr. Burke's Speeches in the House of Commons should be collected into a separate publication, on the plan adopted last year with regard to those of Mr. Fox, the Editor of that work has been induced to undertake the present compilation.

In presenting this collection to the public, it will be necessary, in justice to the memory of Mr. Burke, to point out distinctly the authorities from which the materials have been derived.

Fortunately, the reports that have been handed down to us, of Mr. Burke's speeches in parliament, are, generally speaking, of a more genuine cast, and less liable to suspicion, than those of any of our other great orators. So much is this the case, that in looking over those reports, a surprize is

excited, not that a collection of these invaluable specimens of modern popular eloquence should be now made, but that twenty years should have been suffered to elapse before such a collection was undertaken.

The speeches prepared for the public eye, by Mr. Burke himself, and printed during his lifetime, were, 1. The speech in April 1774, on American taxation. 2. The speech in March 1775, on moving certain resolutions for conciliation with the Colonies. 3. The speech on presenting his plan of economical reform in February 1780. 4. The speech on Mr. Fox's East India bill. 5. The speech on the Nabob of Arcot's debts. And 6. The speech on the army estimates in February 1790. To these may be added, the fragments and notes of nine speeches, which have been published by Mr. Burke's executors, and which, as they confirm, in several instances, the general correctness of the published reports of the proceedings in parliament, are here introduced.*

For the errors or imperfections — if any — in the above recited speeches, Mr. Burke can only be considered responsible. The rest — upwards of

* See Vol. i. p. 73. 80. 101. 113. 151. Vol. ii. p. 160. 277. Vol. iii. p. 43. Vol. iv. p. 55.

two hundred in number — have been selected, with great care and strict impartiality, from the most esteemed records of parliamentary proceedings. Delivered as these speeches were, upon great and comprehensive questions, and containing Mr. Burke's opinions upon a variety of subjects that come home "to the business and bosoms of men," it is confidently hoped that they will, in their present collected form, be alike conducive to the reputation of the orator and the best interests of society.

That many of these speeches were prepared, or at least corrected, for the press by Mr. Burke himself, there is strong internal evidence. Amongst the number may be reckoned the speech in November 1775, on presenting the bill for composing the troubles in America — the speech in February 1778, relative to the military employment of Indians in the civil war with America — the speech in May 1778, on the Irish trade bills — the speech in December 1779, on Mr. Burke's opening the outlines of his celebrated plan of economical reform — the speech in February 1781, on Mr. Burke's moving a second time for leave to bring in a bill for the regulation of the civil list establishment — the speech in May 1781, on moving for an inquiry into the seizure and confiscation of private property in the Island of St. Eustatius — the speech in December 1781, on the case of Mr.

Laurens and the exchange of prisoners with America — and the speech in June 1784, on moving a representation to the king respecting the speech from the throne at the opening of the session.

To the speeches of Mr. Burke in the House of Commons are added reports of his three great speeches in Westminster-hall on the impeachment of Warren Hastings, Esq. They will be found very imperfect; but as they present at least an outline of the various topics and arguments introduced into those stupendous efforts of the human mind, and are much more copious than any reports that have hitherto appeared, the Editor did not think himself justified in omitting them.

Mr. Burke retired from parliament in July 1794, immediately after the impeachment of Mr. Hastings had been brought to a close. Before, however, he took his final leave of the House of Commons, as it had been repeatedly asserted by the friends of Mr. Hastings, that there had been designed delay on the part of the Commons, Mr. Burke moved, that a committee should be appointed to inquire into the causes of the duration of Mr. Hastings's trial. The House acceded to the proposition, and the managers of the impeachment were appointed to be the said committee. On the 30th of April that committee,

of which Mr. Burke was chairman, made their report to the House — a report which, for depth of historical knowledge, perspicuity of reasoning, and elegance of diction, is not surpassed by any of the numerous and able reports that have, from time to time, been made by committees of both Houses. As this report is not included in Mr. Burke's Works, it has been thought necessary to give it a place in this collection. This valuable document may be considered as Mr. Burke's last parliamentary labour. On the 20th of June, the thanks of the House of Commons were conveyed to the managers of the impeachment by the Speaker, Mr. Addington. On this occasion Mr. Burke appeared in the House for the last time. He accepted, a few days after, the chiltern hundreds; and, on the 10th of July, a new writ was moved for the borough of Malton, and his son Richard was chosen in his room.

London,
June 1. 1816.

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SPEECHES

OF THE

RIGHT HONOURABLE

EDMUND BURKE,

&c. &c.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.*

November 24. 1767.

IN December 1765, Mr. Burke, through the interest of Lord Verney, was returned one of the representatives in parliament for the borough of Wendover in Buckinghamshire,

* At the period of the prorogation of parliament in July 1767, the ministry was considered on the eve of dissolution. General Conway declared his resolution to resign, though he consented to continue in office till a successor was nominated. Lord Northington announced a similar determination, alleging his inability to attend public business, on account of ill health. In consequence of these intimations, the king wrote to Lord Chatham, informing him of his design to make some alterations in the ministry, and requiring his advice and assistance. Lord Chatham returned a verbal answer, excusing himself from interfering in any new arrangement, as his health was too much impaired for exertion. An offer was made from the Duke of Grafton to the Marquis of Rockingham, but without success. The ministry therefore retained their situations. About this time died very unexpectedly Mr. Charles Townshend the chancellor of the exchequer. This event renewed the difficulty of effecting a ministerial arrangement; the chancellorship of the exchequer was filled *ad interim* by Lord Mansfield. It was offered to Lord North, who at first declined, but was afterwards prevailed on to accept the office.

but the first speech made by him in the House of Commons of which any report has been preserved, took place on the 24th of November 1767, on which day his majesty opened the session with the following Speech to both Houses:

"My Lords and Gentlemen;

"I have chosen to call you together at this season of the year, that my parliament might have full deliberations upon all such branches of the public service, as may require their immediate attention; without the necessity of continuing the session beyond the time most suitable to my people, for the election of a new parliament: and I doubt not but you will be careful, from the same considerations, to avoid in your proceedings all unnecessary delay.

Mr. Thomas Townshend succeeded Lord North as paymaster, and Mr. Jenkinson was appointed a lord of the treasury; Lord Northington and General Conway resigning, Lord Gower was made president of the council, Lord Weymouth secretary of state, and Lord Sandwich joint post-master general. These promotions indicated an accommodation between the ministry and the Bedford party, and the cabinet was further strengthened by the appointment of Lord Hillsborough to the office of secretary of state for America. The ministry, thus modelled, was called the Duke of Grafton's administration; for although Lord Chatham still retained his place, he was incapable of transacting business; in consequence of which the privy seal was for a short time put in commission, though it was afterward restored to him.

The Grafton administration is thus described by Mr. Burke. After paying many encomiums on Lord Chatham, he claims the freedom of history to speak of the administration he formed, and thus proceeds: "He made an administration so checkered and speckled; he put together a piece of joinery so crossly indented and whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified Mosaic; such a tesselated pavement without cement; here a bit of black stone, and there a bit of white; patriots and courtiers; king's friends and republicans; whigs and tories; treacherous friends and open enemies: that it was indeed a very curious shew; but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask, "Sir, your name?—Sir, you have the advantage of me;—Mr. Such-a-one—I beg a thousand pardons."—I venture to say, it did so happen, that persons had a single office divided between them who had never spoke to each other in their lives, until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed."

" Nothing in the present situation of affairs abroad gives me reason to apprehend, that you will be prevented, by any interruption of the public tranquillity, from fixing your whole attention upon such points as concern the internal welfare and prosperity of my people.

" Among these objects of a domestic nature, none can demand a more speedy or more serious attention, than what regards the high price of corn, which neither the salutary laws passed in the last session of parliament, nor the produce of the late harvest, have yet been able so far to reduce, as to give sufficient relief to the distresses of the poorer sort of my people. Your late residence in your several counties must have enabled you to judge, whether any farther provisions can be made conducive to the attainment of so desirable an end.

" Gentlemen of the House of Commons;

" I will order the proper officers to lay before you the estimates for the service of the ensuing year.

" The experience I have had of your constant readiness to grant me all such supplies as should be found necessary for the security, interest, and honour of the nation, (and I have no other to ask of you,) renders it unnecessary for me to add any exhortations upon this head: and I doubt not but the same public considerations will induce you to persevere with equal alacrity, in your endeavours to diminish the national debt: while, on my part, no care shall be wanting to contribute, as far as possible, to the attainment of that most essential object, by a very frugal application of such supplies as you shall grant.

" My Lords and Gentlemen;

" The necessity of improving the present general tranquillity to the great purpose of maintaining the strength, the reputation, and the prosperity of this country, ought to be ever before your eyes. To render your deliberations for that purpose successful, endeavour to cultivate a spirit of harmony among yourselves. My concurrence in whatever will promote the happiness of my people you may always depend upon: and in that light I shall ever be desirous of encouraging union among all those who wish well to their country."

An Address in reply to the Speech from the throne was proposed by Lord Beauchamp, and supported by Mr. Conway, who concluded with a panegyric on the late Mr. Charles

Townshend. Having mentioned his talents, abilities, judgment, sagacity, &c., he said, that his dear lamented friend had engaged himself to prepare a plan to be submitted to parliament, for the effectual relief of the poor in the article of provisions, and he had no question that if that great man had survived, he would have been able to perform his promise: but, unfortunately for the public, his plan was lost with him: that it was easy to find a successor to his place, but impossible to find a successor to his abilities, or one equal to the execution of his plans. The House ought not, therefore, to be surprized, that the king had not yet been able to devise any scheme for the relief of the poor, although a man of Mr. Townshend's superior qualifications might have been fully equal to the task.

Mr. BURKE then rose, and spoke nearly to the following purport:

Mr. Speaker; the condition of this country at the conclusion of the last spring, was such as gave us strong reason to expect, that not a single moment of the interval between that period and our winter meeting would be lost or misemployed.* We had a right to expect that gentlemen who thought themselves equal to advise about the government of the nation, would, during this period, have applied all their attention, and exerted all their efforts, to discover some effectual remedy for the national distress. For my own part, I had no doubt, that, when we again met, the administration would have been ready to lay before us some plan for a speedy relief of the people, founded upon such certain lights and informations as they alone are able to procure, and digested with an accuracy proportioned to the time they have had to consider of it: but if these were our expectations, if these were the hopes conceived by the whole House, how grievously are we disappointed! After an interval of so many months, instead of being told that a plan is formed, or that measures are taken, or, at least, that materials have been diligently collected, upon which some scheme might be founded for preserving us from famine, we see that this provident ministry, these careful providers are of opinion, they have sufficiently acquitted

themselves of their duty, by advising His Majesty to recommend the matter once more to our consideration, and so endeavouring to relieve themselves from the burden and censure which must fall somewhere, by throwing it upon parliament. God knows in what manner they have been employed for these four months past! It appears too plainly they have done but little good — I hope they have not been busied in doing mischief; and though they have neglected every useful, every necessary occupation, I hope their leisure has not been spent in spreading corruption through the people.

Sir, I readily assent to the laborious panegyric which the honourable gentleman upon the floor has been pleased to make on a very able member of the administration, whom we have lately lost: no man had a higher opinion of his talents than I had*; but as to his having conceived any

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* In his speech on American Taxation, April 19. 1774, Mr. Burke gives the following character of Mr. Charles Townshend:

"Charles Townshend was the delight and ornament of this House, and the charm of every private society which he honoured with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed and finished wit; and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock as some have had who flourished formerly, of knowledge long treasured up, he knew better by far, than any man I ever was acquainted with, how to bring together, within a short time, all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most luminous explanation, and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the House between wind and water: and not being troubled with too anxious a zeal for any matter in question, he was never more tedious, or more earnest, than the pre-conceived opinions, and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the House; and he seemed to guide, because he was always sure to follow it. There are many young members in the House (such of late has been the rapid succession of public men) who never saw that prodigy Charles Townshend; nor of course knew what a ferment he was able to excite in every thing, by

plan for remedying the general distress about provisions, as the gentleman would have us understand, I see many reasons for suspecting that it could never have been the case. If that gentleman had formed such a plan, or if he had collected such materials as we are now told he had, I think it is impossible but that, in the course of so many months, some knowledge or intimation of it must have been communicated to the gentlemen who acted with him, and who were united with him, not less by friendship than by office. He was not a reserved man; and surely, Sir, his colleagues, who had every opportunity of hearing his sentiments in office, in private conversation, and in this House, must have been strangely inattentive to a man, whom they so much admired, or uncommonly dull, if they could not retain the smallest memory of his opinions on matters on which they ought naturally to have consulted him often. If he had even drawn the loosest outlines of a plan, is it conceivable that all traces of it should be so soon extinguished? To me, Sir, such an absolute oblivion seems wholly incredible. Yet, admitting the fact for a moment, what a humiliating confession it is for an administration, who have undertaken to advise about the conducting of an empire, to declare to this House, that by the death of a single man, all projects for the public good are at an end, all plans are lost, and that this loss is irreparable, since there is not a leader surviving, who is in any measure capable of filling up the dreadful vacuum!

But I shall quit this subject for the present; and, as we are to consider of an Address in return to the speech from the throne, I beg leave to mention some observations occur-

---

the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly — many of us remember them; we are this day considering the effect of them. But he had no failings which were not owing to a noble cause; to an ardent, generous, perhaps an immoderate passion for fame; a passion which is the instinct of all great souls. He worshipped that goddess, wheresoever she appeared; but he paid his particular devotions to her in her favourite habitation, in her chosen temple, the House of Commons."

ring to me upon the speech itself, which I think I am warranted, by the established practice of this House, to treat merely as the speech of the minister.

The chief and only pretended merit of the speech is, that it contains no extraordinary matter, that it can do no harm, and consequently that an address of applause upon such speech is but a mere compliment to the throne, from which no inconvenience can arise, nor consequence be drawn. Now, Sir, supposing this to be a true representation of the speech, I cannot think it does the administration any great honour, nor can I agree, that to applaud the throne for such a speech, would be attended with no inconvenience. Although an address of applause may not enter into the approbation of particular measures, yet it must unavoidably convey a general acknowledgment, at least, that things are, upon the whole, as they should be, and that we are satisfied with the representation of them, which we have received from the throne. But this, Sir, I am sure, would be an acknowledgment inconsistent with truth, and inconsistent with our own interior conviction, unless we are contented to accept of whatever the ministry please to tell us, and wilfully shut our eyes to any other species of evidence.

As to the harmlessness of the speech, I must, for my own part, regret the times, when speeches from the throne deserved another name than that of innocent; when they contained some real and effectual information to this House, some express account of measures already taken, or some positive plan of future measures, for our consideration. Permit me, Sir, to divide the present speech into three heads, and a very little attention will demonstrate how far it is from aiming at that spirit of business and energy, which formerly animated the speeches from the throne. You will see, under this division, that the small portion of matter contained in it is of such a nature, and so stated, as to preclude all possibility or necessity of deliberation in this place. The first article is, that every thing is quiet abroad. The truth of this assertion, when confirmed by an enquiry,

which I hope this House will make into it, would give me the sincerest satisfaction; for certainly there never was a time when the distress and confusion of the interior circumstances of this nation made it more absolutely necessary to be upon secure and peaceable terms with our neighbours: but I am a little inclined to suspect, and indeed it is an opinion too generally received, that this appearance of good understanding with our neighbours deserves the name of stagnation, rather than of tranquillity; that it is owing not so much to the success of our negotiations abroad, as to the absolute and entire suspension of them for a very considerable time. Consuls, envoys, and ambassadors, it is true, have been regularly appointed, but, instead of repairing to their stations, they have, in the most scandalous manner, loitered at home; as if they had either no business to do, or were afraid of exposing themselves to the resentment or derision of the court to which they were destined. Thus have all our negotiations been conducted, and thus they have been dropped. Thus has the Manilla ransom, that once favourite theme, that perpetual echo with some gentlemen, been consigned to oblivion. The slightest remembrance of it must not now be revived. At this rate, Sir, foreign powers may well permit us to be quiet: it would be equally useless and unreasonable in them to interrupt a tranquillity, which we submit to purchase upon such inglorious terms, or to quarrel with an humble, passive government, which has neither spirit to assert a right nor to resent an injury. In the distracted, broken, miserable state of our interior government, our enemies find a consolation and remedy for all that they suffered in the course of the war, and our councils amply revenge them for the successes of our arms.

The second article of the Speech contains a recommendation of what concerns the dearness of corn, to our immediate and earnest deliberation. No man, Sir, is more ready than myself, as an individual, to shew all possible deference to the respectable authority under which the speech from the throne is delivered; but, as a member of this House, it

is my right, nay, I must think myself bound to consider it as the advice of the minister; and, upon this principle, if I would understand it rightly, or even do justice to the text, I must carry the minister's comment along with me. But what, Sir, has been the comment upon the recommendation made to us from the throne? Has it amounted to any more than a positive assurance, that all the endeavours of administration to form a plan for relieving the poor in the article of provisions, have proved ineffectual? That they neither have a plan, nor materials of sufficient information to lay before the House, and that the object itself is, in their apprehension, absolutely unattainable? If this be the fact, if it be really true that the minister, at the same time that he advises the throne to recommend a matter to the earnest deliberation of parliament, confesses in his comment that this very matter is beyond the reach of this House, what inference must we necessarily draw from such a text, and from such an illustration? I will not venture to determine what may be the real motive of this strange conduct and inconsistent language; but I will boldly pronounce, that it carries with it a most odious appearance. It has too much the air of a design to exculpate the crown, and the servants of the crown, at the expence of parliament. The gracious recommendation in the Speech will soon be known all over the nation. The comment and true illustration added to it by one of the ministry will probably not go beyond the limits of these walls. What then must be the consequence? The hopes of the people will be raised. They of course will turn their eyes upon us, as if our endeavours alone were wanting to relieve them from misery and famine, and to restore them to happiness and plenty; and at last, when all their golden expectations are disappointed; when they find that, notwithstanding the earnest recommendation from the crown, parliament has taken no effectual measures for their relief, the whole weight of their resentment will naturally fall upon us their representatives. We need not doubt but the effects of their fury will be answerable to the cause of

it. It will be proportioned to the high recommending authority, which we shall seem not to have regarded; and when a monarch's voice "cries Havoc," will not confusion, riot, and rebellion make their rapid progress through the land? The unhappy people, groaning under the severest distress, deluded by vain hopes from the throne, and disappointed of relief from the legislature, will, in their despair, either set all law and order at defiance; or, if the law be enforced upon them, it must be by the bloody assistance of a military hand. We have already had a melancholy experience of the use of such assistance. But even legal punishments lose all appearance of justice, when too strictly inflicted on men compelled by the last extremity of distress to incur them. We have been told, indeed, that if the crown had taken no notice of the distress of the people, such an omission would have driven them to despair: but I am sure, Sir, that to take notice of it in this manner, to acknowledge the evil, and to declare it to be without remedy, is the most likely way to drive them to something beyond despair — to madness; and against whom will their madness be directed, but against us their innocent representatives?

With respect to the third and last head, into which the speech may be divided; I readily agree that there is a cause of discord somewhere: where it is, I will not pretend to say. That it does exist is certain, and I much doubt whether it is likely to be removed by any measures taken by the present administration. As to vague and general recommendations to us to maintain unanimity amongst us, I must say I think they are become of late years too flat and stale to bear being repeated. That such are the kind sentiments and wishes of our monarch, I am far from doubting; but when I consider it as the language of the minister, as a minister's recommendation, I cannot help thinking it a vain and idle parade of words without meaning. Is it in their own conduct that we are to look for an example of this boasted union? Shall we discover any trace of it in their broken, distracted councils, their public

disagreements and private animosities? Is it not notorious that they only subsist by creating divisions among others; that their plan is to separate party from party, friend from friend, brother from brother? Is not their very motto *divide et impera?* When such men advise us to unite, what opinion must we have of their sincerity? In the present instance, however, the speech is particularly farcical. When we are told that affairs abroad are perfectly quiet, and consequently that it is unnecessary for us to take any notice of them; when we are told, that there is indeed a distress at home, but beyond the reach of this House to remedy; to have unanimity recommended to us in the same breath, is, in my opinion, something lower than ridiculous. If the two first propositions be true, in the name of wonder, upon what are we to debate? upon what is it possible for us to disagree? On one point our advice is not wanted; on the other it is useless; but it seems it will be highly agreeable to the ministry to have us unite in approving of their conduct; and if we have concord enough amongst ourselves to keep in unison with them and their measures, I dare say that all the purposes of administration aimed at by the address, will be fully answered, and entirely to their satisfaction. But this is a sort of union, which I hope never will, which I am satisfied never can, prevail in a free parliament like ours. While we are freemen we may disagree; but when we unite upon the terms recommended to us by the administration, we must be slaves.

The Address moved by Lord Beauchamp was agreed to without a division.

ADDRESS ON THE KING'S SPEECH, AT THE OPENING OF THE SESSION.

January 9. 1770.

THE king opened the session with the following * speech to both Houses:

"My Lords and Gentlemen;

"It is with much concern that I find myself obliged to open the session of parliament, with acquainting you, that the distemper among the horned cattle has lately broke out in this kingdom, notwithstanding every precaution that could be used for preventing the infection from foreign parts: upon the first notice of its actual appearance, my next attention was to endeavour to stop, if possible, its further progress; and as the success of those endeavours must, in all probability, have been entirely defeated by any the least degree of delay in the application of them, I thought it absolutely necessary, with the advice of my privy council, to give immediate directions for every step to be taken, that appeared most capable of checking the instant danger of the spreading of the infection, until I could have an opportunity of consulting my parliament upon some more permanent measures for securing us against so great a calamity; and to your immediate and serious consideration, I earnestly recommend this very important object.

"I have given my parliament repeated assurances, that it has always been my fixed purpose to preserve the general tranquillity, maintaining, at the same time, the dignity and honour of my crown, together with the just rights and interests of my people; the uncommon burthens which my subjects have borne so cheerfully, in order to bring the late war to a happy conclusion, must be an additional motive to make me vigilant to prevent the present disturbances in Europe from extending to any part where the security, honour, or interest, of this nation may make it necessary for my crown to become a party: the

* This speech was unsparingly ridiculed in the public prints, and the session was nick-named the "Horned Cattle Session."

assurances which I receive from the other great powers, afford me reason to believe, that my endeavours will continue to be successful. I shall still make the general interests of Europe the object of my attention, and while I steadily support my own rights, I shall be equally careful not to acknowledge the claims of any other powers, contrary to the limitations of the late treaties of peace.

" It is needless for me to recommend to the serious attention of my parliament the state of my government in America: I have endeavoured, on my part, by every means, to bring back my subjects there to their duty, and to a due sense of lawful authority. It gives me much concern to inform you, that the success of my endeavours has not answered my expectations; and that, in some of my colonies, many persons have embarked in measures highly unwarrantable, and calculated to destroy the commercial connection between them and the mother country.

" Gentlemen of the House of Commons;

" I have ordered the proper estimates for the service of the current year to be laid before you. I am persuaded that your affection for my person and government, and your zeal for the public good, will induce you to grant such supplies as are necessary; and you may be assured that, on my part, they shall be managed with the strictest economy.

" My Lords and Gentlemen;

" As the welfare and prosperity of my people have always been the object of my wishes and the rule of my actions, so I am persuaded, from my experience of your conduct, that you will be governed in your proceedings by the same principles: my ready concurrence and support, in every measure that may serve to promote those ends, you may always depend upon. On you it will be now more than ever incumbent, most carefully to avoid all heats and animosities amongst yourselves, and to cultivate that spirit of harmony which becomes those who have but one common object in their view, and which may be most likely to give authority and efficacy to the result of your deliberations; such a conduct on your part will, above all things, contribute to maintain, in their proper lustre, the strength, the reputation, and the prosperity, of this country; to strengthen the attachment of my subjects to that excellent constitution of government from which they derive such dis-

tinguished advantages; and to cause the firm reliance and confidence which I have in the wisdom of my parliament, as well as in their zeal for the true interest of my people, to be justified and approved, both at home and abroad."

An Address of Thanks to the King having been moved by Sir George Osborne, and seconded by Sir Ralph Payne, Mr. Dowdeswell proposed the following amendment, "to assure His Majesty that this House will immediately enquire into the causes of the unhappy discontents which at present prevail in every part of His Majesty's dominions." The amendment was supported by Mr. Beckford, Mr. Cornwall, Lord George Sackville, Mr. Sheriff Townshend, Sir George Savile, Mr. Serjeant Glynn, Colonel Barré, and Mr. Burke: it was opposed by Lord Clare, Mr. Attorney General De Grey, Mr. Jenkinson, Mr. Rigby, Mr. Dyson, General Conway, Lord North, and others. Mr. Burke followed Lord North; what he said upon this occasion is thus given in the Gentleman's Magazine for January 1770.

Mr. BURKE rose and said:

Sir; — The noble lord who spoke last, after extending his right leg a full yard before his left, rolling his flaming eyes, and moving his ponderous frame, at length opened his mouth. I was all attention. After these portents, I expected something still more awful and tremendous: I expected that the Tower would have been threatened in articulated thunder; but I have heard only a feeble remonstrance against violence and passion: when I expected the powers of destruction to "cry havoc and let slip the dogs of war," an overblown bladder has burst, and nobody has been hurt by the crack. Metaphors might easily be multiplied upon this occasion, but I remember an old scholastic aphorism, that beings must not be multiplied without a necessity. The noble lord has lamentably bewailed the mischiefs that he has suffered from mean arts, which show at once the weakness and malice of his opposers. He says, that his words have been misrepresented, and his meaning perverted; and I am inclined to believe that, if any meaning at all has been imputed to him, the first part of the charge may be true; his own words have no meaning, and therefore their meaning cannot be per-

verted: if words have been imputed to him that have a meaning, he has certainly suffered wrong, and I hope that gentlemen will for the future be more cautious how they commit such offences against ministers of state. I have this day watched his words with an honest solicitude to catch some that had a meaning, but the ideas they convey, are like those of a dream in the night, all incoherence and confusion.

He has told us, Sir, that the people have been persuaded there are grievances, by writing, meeting, and speaking; but if it is a fault to persuade by writing, meeting, and speaking, let him tell us what means of persuasion more eligible he has discovered. Writing, and meeting, and speaking, about grievances, do not make them: it has, indeed, been insinuated that our grievances are imaginary, because they are such as the peasants, or artificers of Yorkshire, would not immediately feel, nor perhaps discover till they felt. But if those who see oppression in its distant though certain approach, — if those who see the subversion of liberty in its cause are always few, does it follow that there never are approaches to oppression, or remote causes of the subversion of liberty? If the few who can and do discover effects in their causes, open the eyes of others, — if those who see the rights of election invaded in Middlesex, acquaint the graziers and clothiers of remote counties with their interest in the event and its consequences, are they, for that reason, leaders of a faction, actuated by personal and selfish views? If all who are interested see their danger and seek redress, does it follow that they implicitly re-echo a causeless complaint? Or when redress is refused them, can it be pretended that they are well affected?

The ministers of the unhappy Charles the First told the same tales that are told now, and practised the same arts of delusion. When the people were ready to tear the crown from his head, they persuaded him that he was the idol of their hearts; that there was no discontent but among those who endeavoured to open his eyes; and that

he had no enemies, but those who endeavoured to remove from his presence the men who were bringing him to the block. He was soothed with this fatal falsehood to his dying hour, and was weak enough to believe even upon the scaffold, that his affectionate people would not let him suffer.

But some of our ministerial gentlemen insist, that there are no grievances; others venture to deny that there are complaints. Those who admit that there are complaints, but deny that there are grievances, say, that the rabble, the base-born, the scum of the earth, are always discontented, and eagerly fasten upon any thing that is held up before them, as a justification of their discontent; the others deny that even this rabble, this scum of the earth are discontented; they have travelled the country through, and they find no discontent any where: both representations cannot be true, and it rests with these immaculate gentlemen to determine by which they will abide. It matters, indeed, not much what they pretend; it is manifest that such counsel is given and such measures pursued, as cannot fail to destroy that confidence and harmony which should ever subsist between a prince and his people: military executions have been wantonly exercised and wickedly countenanced; murders have been abetted, and murderers protected, encouraged, and rewarded: public money has been shamefully squandered, and no account given of millions that have been misapplied to the purposes of venality and corruption: obsolete and vexatious claims of the crown have been revived, with a view to influence the elections of members to sit in this House; the majority of one branch of the legislature have arrogantly assumed the power of the whole, and daringly superseded the law of the land by their resolutions; the humble petitions of the people to their gracious sovereign refused and discountenanced. The same baneful influence under which this country is governed, is extended to our fellow-sufferers in America; the constitutional rights of Englishmen are invaded, and money raised upon the sub-

ject without his consent: whose legislative assemblies have been suspended, for no other reason than their having assented to unalienable rights of their constituents; British subjects in America have been threatened to be seized and brought to England, for crimes supposed to have been committed there: menaces have been used to intimidate the legislature of our provinces, and extort a compliance with ministerial requisitions that are altogether arbitrary and unjust: their admiralty courts are supported in the exercise of an oppressive power, by which the property of the subject is put into the hands of officers, who are interested in their condemnation. And now let me ask the most hardy of the ministerial hirelings, if there are no grievances.

At a time, Sir, when our taxes are higher than they have been at any former period, and trade every where declining—when our brethren in America are driven from the bosom of their mother country to the arms of foreign nations, whom their commerce will strengthen and enrich—when in every part of our dominions the best, the wisest, and the most moderate men are ready to forget their allegiance, these hardened profligates sit unmoved, and would gravely persuade us, that there are neither grievances, discontents, nor complaints. While the vessel of state is beaten by a storm that threatens destruction, they are neither in the distress, nor sensible of the danger: they do nothing either for those who trim the sails, or for him that holds the helm, but stand, like horned cattle in the hold, torpid and insensible to all the horrors that surround them. Are these the men that are selected to carry on the government of a great nation? Look round, and you will find them all of a class.

Whom have they selected in these perilous times to soothe the animosity, and reconcile the differences that now unhappily subsist between our colonies and the mother country? I need not name the man*; every body knows him as a projector, as one who, by wild and chimerical

* Lord Botetourt.

schemes, has not only so embarrassed his own affairs as to render his stay in this country impracticable, but brought irretrievable ruin upon many others. These are services which it was thought proper to reward; this is a character which administration determined to appropriate: the self banishment of this fugitive, therefore, was dignified with an honourable commission, and he that could no longer live in his own country, was made governor of another; he who brought his own affairs, as a private individual, into irremediable confusion, is sent in a public character to superintend those of a numerous and commercial people. My worthy friend *, Sir, obtained leave to read, as a sample of this noble lord's abilities to execute his trust, part of his speech to the assembly of Virginia, I hope therefore that I shall be indulged in a like favour. "It adds greatly," say the house of burgesses in Virginia, "to our satisfaction and confidence, to hear from your excellency, that his majesty's present administration has at no time entertained a design of proposing to parliament the laying any farther taxes upon America for the purposes of raising a revenue, and we will not suffer our present hopes, arising from the pleasing prospect your lordship has so kindly opened and displayed to us, to be dashed by the bitter reflection, that any future administration will entertain a wish to depart from the plan which affords the sincerest and most permanent foundation of public tranquillity and happiness: no, my lord, we are sure our most gracious sovereign, under whatever changes may happen in his confidential servants, will remain immutable in the ways of truth and justice, and that he is incapable of deceiving his faithful subjects; and we esteem your lordship's information, not only as warranted but even sanctified by the royal word." In answer to this address, says his lordship, "Your kind and affectionate address heightens my present, and fills me with the most delightful expectations of my fully answering the purposes of my royal master. May the Almighty secure to me that most desirable object, by directing your councils

* Colonel Barré.

for the advantage and prosperity of all his majesty's extensive dominions, and may you continue a loyal, free, and happy people, until time shall be no more!"

It is said, Sir, that the children of this world are wiser in their generation than the children of light; and if we judge of his lordship from his speech upon this principle, I think we must certainly conclude, that he is not a child of this world: it is somewhat unfortunate, that the same speech furnishes equal evidence that he is not one of the children of light. The address, which in his lordship's opinion is both kind and affectionate, seems to have at least as much of the subtilty of the serpent, as the milkiness of the dove; it expresses hope and confidence in a manner that implies fear and distrust: his lordship, however, whether by his simplicity or his prudence, has taken it literally; what 'present' it was that this address heightened, cannot easily be guessed; perhaps he might mean his appointments, a present from the British ministry to British merit. But whatever sense might be couched under this oracular obscurity, with respect to that which the address 'heightened,' there can be no doubt about what the address 'filled,' which is manifestly no other than his lordship himself; what it filled him with is also expressed with great clearness, elegance, and precision; it filled him with expectations of fully answering the purposes of his royal master, which must, as he says, be delightful expectations. Devotion has unfortunately been the common veil of pernicious designs, and I am sorry to say, that his ordship's conclusion of this speech with an ejaculation, as a parson does his sermon, puts me in mind of the wag in the play, who follows an honest gentleman with "God bless and preserve your honour's worship," while he is slily picking his pocket. I hope his excellency will forgive me, but I shrewdly suspect that he had it in commission to make his American brethren slaves, while he was thus devoutly praying that they might be for ever free.

I shall not now enquire into the right of Great Britain to tax her colonies, "all that is lawful is not expedient,"

and I believe the inexpediency of taxing our colonies, even supposing it to be lawful, is now evident to every man in this kingdom. If by the same folly and infatuation which produced the mischief at first, it is now rendered irremediable, the grievance is not certainly the less, but the greater. It would be easy to shew, that the tax upon America would have been inadequate to the purpose for which it was imposed, if every shilling of it had been levied; and the experiment has abundantly convinced us that this nation has lost, still loses, and must continue to lose a much greater annual sum than it would have amounted to by the non-exportation of goods that have already paid a duty for the purposes of a revenue to our colonies in America, which would otherwise have been consumed there.

The benefit of those that are governed is the ultimate end of all government, and not any supposed dignity of the governing power. It is very easy to discover what measures would now tend most to the general advantage both of the colonies and the mother country: and there can be no doubt but that these measures ought to be pursued, whatever mortification may ensue to the trustees of public power, who either weakly or wickedly have betrayed their charge. If the right of taxation should be waved, not to say given up, there is no reasonable pretence that the colonies will shake off their dependance: they will, even in that case, depend, at least in their own estimation, upon British government, as much as any British subject on this side the water, and all they contend for is, that this dependance shall not be more. There can be no doubt, but that our colonies think they do right in those very particulars in which we affect to think they do wrong; they think they are struggling for that liberty which we enjoy, while we charge them with an attempt to shake off the government to which we submit. The question is, in itself, doubtful; if that may be said to be doubtful about which some of the wisest and best men in the kingdom have formed opposite opinions; the consequences of remitting the duties are well known, as well as the consequences of

continuing them; and I leave every disinterested and dispassionate man in the kingdom to determine which is most eligible.

Our grievances, Sir, are indisputable, they are known to all Europe; and the eyes of all Europe are upon us this day, expecting that they would not have been passed over in silence: they have engaged their conversation, as well as our feelings, and when this hour of expected redress is at last arrived, how are we disappointed! how are we mortified! Instead of being regarded as persons capable of redressing public grievances, or guardians of the liberties of our electors, we are only recommended to suppress an infection now raging among the horned cattle, as if the members of this honourable House possessed only the qualification of cow doctors.

How shall we account for this strange proceeding? Cannot we perceive that this is the echo of a venal administration, who are at once daring and feeble, and who being practised in corruption, have fitted themselves for the worst purposes; who have been so hackneyed in all that is wicked and mean, that they have lost all sense both of virtue and honour, and are reduced to the last alternative —an impudent perseverance?

Another account of this debate appeared in the London Magazine for January 1770, in which Mr. Burke is reported to have spoken as follows:

Mr. Edmund Burke began with reprehending Sir Fletcher Norton for giving his private opinion in a matter not now in debate, at the same time not saying one syllable to the question, or setting the matter of the petitions right: it was such an answer, to what had been asserted of a general discontent, to say that the majority of the counties had not petitioned, as he had never heard. What, is it not a bad government unless all the counties of England represent it as such? Is there no proof of the majority of freeholders being discontented, unless a majority of the

principal gentlemen in the petitioning counties, unless the justices of the peace sign the petition? Are the farmers of no account? The gentlemen have many ways of securing to themselves an interest in the government — pensions, places, being admitted to the levees of great men — but what have the small freeholders? They have no weight, no share in the government, if they are to be excluded the privilege of electing representatives, and complaining of grievances in the way they have done.

He here made a most pathetic allusion to the parable of the poor man's lamb, and said this was the freeholders' lamb. But what an argument is it to say, that the petitions do not express any general discontent, because the principal gentlemen do not sign them! The gentlemen, it is well known, are much influenced; but the freeholders are above all menace, all fear, all influence. The justices of peace do not sign! The justices of peace are under the immediate appointment of the crown; and if it were true that they did not sign, I should hope it would be one of the last arguments against the petitions, if ever it can be any. Good God! Sir, is there no discontent, if all the counties do not petition? What would they have that government to be, where every member of the community is to complain against it? I never heard of such an argument as this before, and hope it will now be for the last time. There never was any thing like the present complaints; not one opposite petition or address from the time the first petition was presented. Look into the history of former times, into Charles the Second's time, into other periods, when petitions were presented. Were there not petitions against petitions? The Whigs petitioning one thing, the Tories against it; two parties always opposing one another; but there never was any thing like the present. Another thing they urge against the petitions is, that where the Middlesex petition stated many grievances, the other counties rejected them as groundless. What! because they do not mention them, but confine themselves to the dragon, the huge grievance, is that an evidence that

they think they do not exist? I was one of those who advised the not mentioning them, but confining the complaints to the violation of election; not that I thought, he [meaning Lord North] would represent, that they did not exist; for there are a great many other very great grievances, but it alone was sufficient to urge a dissolution; I say, Sir, it alone was sufficient; and we ought all to fall down and prostrate ourselves at his majesty's feet, and implore a dissolution, for what we have been guilty of. It is our bounden duty to do it. Some of the best, the only patriotic members in the Long Parliament of Charles the Second, the Pension Parliament, as it was called, went as far as this. I am not at liberty now to go into an argument upon the incapacitating measure. I will only say, that all the sophistry of the greatest lawyers has not been able to convince one man of its legality, nor even to raise a doubt about it.

He here said something as to the argument that had been alleged of the clergy not having signed, observing, that church preferments did always most powerfully operate with them. Notwithstanding, he said, he knew some that had signed; and as to what had been urged, that the freeholders did not know, did not understand, what they were about; he knew the epithets 'base born,' and 'scum of the earth,' had been applied to them, and now it was contended, that the opinion of the gentlemen was only to be regarded. But why are not freeholders gentlemen? What is there that makes the freeholders base born, if the gentlemen, as they are called, are not? I know not — our constitution knows not. A freeholder is as good a gentleman as any in the kingdom. I am ashamed of the arguments that have been used, to shew that there are no discontents, or just grounds of complaint. They are such, that if they were good, no discontent, no ground of complaint could ever exist. But the administration themselves do not agree. For while some in high offices contend there are none, others in as high offices, frankly admit there are, and that an enquiry ought to be made into the causes of them. I must detain you, Sir, with a few observations

upon the minister's speech. He has not thought fit to say a syllable of those discontents.

He proceeded now to state the affairs of America. He observed, that they had brought the affairs of that country into such a situation, into such difficulty, that wisdom itself could not devise the means of setting them right; that they had reversed every principle of prudent conduct. In this part he particularly exerted himself. It is impossible to recollect even the heads of all the variety of proofs he brought to establish what he had advanced, and those I do recollect lose all their beauty and energy, by the bad representation here given of them. Every thing he asserted he demonstrated by most irrefragable proofs. Mr. Burke said, that the ministry having plunged the affairs of America into the greatest difficulties, they should now come to ask parliament to get them out; that they found America in the most perfect peace and harmony; that they were the first and only cause of destroying that harmony; that they laid a duty or tax upon America, not for the purpose of raising a revenue, for they declared at the time, they knew it would not defray the officers' charges, (a tax, with respect to us, confessedly the most impolitic, being a duty on our own exports,) but with the avowed design of asserting the right to raise a revenue; that he would not mention the Stamp Act, but what sort of an act in the name of wonder was this! They begin with treating America harshly; they afterwards speak of her as disaffected; they at last drive her to despair. They withhold all appearances of favour; no dawn of hope is afforded her. They send over a military force; they recal that force, and send over a military force again. They menace and use compulsion first, and then use softening measures. They endeavour to win the Americans into a compliance, after having failed in compelling them. Was there ever any conduct like this! any thing so absurd! to menace and use compulsive measures first, and this failing to ask, to intreat, to beg a compliance! What consistency was this! They reverse the rule of all wise and prudent governments, which try

gentle measures first, and if those fail, have recourse to compulsive ones. What opinion must the Americans have of us? Must they not think we are a set of the most inconsistent, contemptible wretches upon earth? I do not mean to justify all they have done: however, in most things they have reasoned better on the constitution than we do. The minister's speech of last year had a charge against them, at least one colony, as being rebellious; and I remember very well, at the opening of the session, we were desired to concur, and be unanimous in our resolves on the subject of America. Did any body ever hold a contrary conduct? In the middle of the session the ministry pass several resolutions, condemning the proceedings of their assemblies, accusing them of treason, by the vote which resolved, that the act of King Henry VIII. extended to them. That resolution must be understood as accusing them of treason; for otherwise, why resolve, that an act of parliament made against treason extended to them? But, after this horrid accusation, was any body ever brought over to be tried for treason? and yet they are accused of it. But what do the colonies do upon this! Why, the colony of Virginia, in which I think they shew better reasoning upon the constitution than we do, came to a resolution, in which they plainly question the legality of our resolution. But what government do they send to this colony? (and in those critical situations strict regard ought to be paid to the qualifications of persons sent to discharge so important a duty) a man is sent no way qualified to discharge that high trust. [He then read the speeches that passed between the governor and the governed, in which are the most ridiculous absurdities.]

Then he went into another part of the Speech. They have told Europe that we are afraid of going to war, and they have given one of the strongest reasons in the world, the want of supplies. I am afraid of its truth; but that is not always to be told. What! must this country, that used to give law to Europe? &c. &c. — But I must not omit mentioning some of his bold and spirited assertions.

Describing the miseries of his country, its dangers from without, its discontents within, addressing himself to the Speaker more particularly, You have heard, said he, the very existence of this House questioned, its authority contemned; and can you sit still, unmoved, and hear this? No! the very chair you sit in shakes; it is without a foundation; do you not feel it stir? do you not feel it rub against you? You have heard to-day, Sir, what cannot be heard among us, the representative of a very great county, (looking to Sir George Savile) declare, that a resolution, a judgment of ours, was illegal; that he told his constituents so, You heard him patiently. He ought to be sent to the Tower! Many, the most respectable present, speaking for their constituents, have said the same thing. They ought to be sent to the same place. I ought to be sent. I have said this day, what in the ordinary course of things, could not pass unpunished. But we are not, in the ordinary course of a first day's meeting, to echo back the words of the minister. We must not be in the ordinary course. We must not be like the horned cattle in the hold, while the ship of the state goes smoothly down the still stream of the river.

It had been urged by some of the ministerial party, that every undue influence, every art had been practised, to bring about the petitions, by writing, private meetings, &c. In answer, he said, what arts? Were writing and printing undue influence? and are we not at liberty to tell our constituents what we think upon what we do? I never heard before that writing and printing were undue influence. What art had been used? nothing but what was honest, that braved the day; an art that I hope will ever be used. If any thing unconstitutional, if any thing illegal has been done, punish the offenders. If the petitions are groundless, punish the promoters of those petitions. Nothing of this sort has been attempted. The art, believe me, Sir, is a very honest one. You hear nobody recede, nobody disclaim the art. It was an art to preserve the constitution, the form of government. Do not think I say it is the best

government: no, by no means; it may be in theory: but let us, at least, preserve the forms of a constitution. The opinion of the freeholders has been ridiculed and represented as the effect of ignorance. The opinion of the freeholders, of the yeomen of this country, and their sons, is not to be so treated. They have good sense at least, if they have not all the ingenuity, all the sophistry of some gentlemen. They are an honest, a most respectable body. We have heard a great deal of the 'principal gentlemen.' It would be well to remember, Sir, that the people once struggled for their liberties, and they had the good luck to get the better: and what became of the gentlemen? why, they were made the servants of mechanics and persons in business. Let not so great a stress be laid upon the 'principal gentlemen.' We are told that there are no general discontents; that the majority are very well contented. Why, Sir, Lord Clarendon, when he is giving an account of Charles the First's execution before the gates of the palace, tells you the generality of his people were for him. But none, it seems, but 'base born' freeholders, and the 'scum of the earth,' are now discontented.

The House divided on the proposed amendment: Yeas 138: Noes 254. The address moved by Sir George Osborne was then agreed to.

REDRESS OF GRIEVANCES PREVIOUS TO GRANTING A SUPPLY.*

January 24.*

ON the order of the day for going into a committee of supply, Mr. Serjeant Glynn rose and insisted, that the grievances which had been complained of throughout the kingdom, ought

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* Four days after this debate, viz. on the 28th of January, the Duke of Grafton resigned his situation of First Lord of the Treasury; Lord

to be enquired into, in a committee for the redress of grievances, before the House went into a committee for granting a supply. The only point, he said, in which the present ministers seemed to concern themselves about the people, was to get their money; but the only point in which the people should concern themselves about the present ministers, was a redress of grievances: the power of granting or withholding a supply, was at once our honour and our strength: if we availed ourselves of it, we should be just to our constituents and posterity; if we did not we should be traitors to both. After the opinion of Mr. Serjeant Glynn had been supported by Mr. Ongley, Mr. Cornwall, and Mr. Dowdeswell, and opposed by Lord North,

Mr. BURKE rose and said:

Sir; whatever may have been usual since the Revolution, and the established permanency of the civil list, we know that the time has been, and I will venture to affirm that the time will be, when we shall first examine grievances and then vote a supply. He who shrinks from a contest, betrays a consciousness that he is weak: we did not want this proof of the weakness of our present ministers; nor do we want any further proof that they are corrupt, than that they are weak. An administration that is weak, must of necessity be corrupt; the support that will not be given must be bought. A corrupt administration must also of necessity be an enemy to liberty, because liberty is an enemy to that: they will be opposed with a zeal too generous to be prudent, and will have frequent opportunities to punish what is laudable in itself for a trivial and accidental excess; wishing for nothing more than an abuse of liberty, as a

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North was appointed his successor, and measures were taken to fill up the vacancies occasioned by other resignations. Lord Halifax was appointed lord privy seal, in the room of the Earl of Bristol, who became groom of the stole; Welbore Ellis was made one of the vice treasurers of Ireland, instead of Mr. James Grenville; Mr. Fox was appointed a lord of the Admiralty; and after some time Mr. Thurlow was made solicitor general, instead of Mr. Dunning; who, notwithstanding his resignation, had held the office till a successor should be nominated.

pretence to destroy it. The press has been loudly complained of, as exciting the public to a breach of their duty, and crying out, like another Massaniello, 'Pull 'em down, pull 'em down:' but let the men who abused the liberty of the press on both sides be produced: let us see who they are that write against the opposite party 'Pull 'em down.' I will venture to aver, that those on the side of administration are the worst. The experiment is now trying, whether the liberty of the press be a curse or a blessing: it is easy to see that it will be differently determined by different parties. I see one gentleman* who has been in parliament, and who has had a place but one year. I see another gentleman† who has also been twenty years in parliament, and has been without a place but one year. These gentlemen, when place-mongers are proscribed, will have very different sensations. I see very few on the side of the present administration, except those that are attached by golden hooks, and they, indeed, enquire nothing more concerning any question, but what are the commands of the day. Those who now oppose an enquiry into grievances, have more cogent reasons; they are the persons from whom these grievances arise. Every gentleman who has the true interest of his country at heart, every gentleman who sincerely approves of the measures of administration, and even the ministers themselves, if they are conscious that no just ground of complaint has been given, will concur in the measure proposed, which can be thought dangerous only by those whom guilt has made timid, or pushed into mischievous consequences only by those whom timidity has made desperate.

The House went into the committee of supply.

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* Mr. Dowdeswell. † Lord North.

REMONSTRANCE OF THE CITY OF LONDON TO THE KING.

March 15.

IN the early part of March, a memorial signed by six liverymen of the city of London was laid before the common-council, complaining that the petition presented to the king the preceding year, had not been answered, and requesting the convention of a common-hall, for the purpose of taking proper measures for the re-establishment and security of their ancient rights and franchises. This memorial occasioned great debates in the common council: it was supported by the lord mayor and sheriffs, and opposed by nearly all the rest of the aldermen; but such was the prevalence of the sentiments by which it was dictated, that the motion for calling a common-hall, to address a Remonstrance to his majesty, was carried by a considerable majority. The common-hall was attended by nearly three thousand of the livery. The lord mayor spoke of the violated freedom of election; of little, paltry, rotten boroughs; of the number of placemen and pensioners; and of the necessity of a more equal representation of the people. A prepared Remonstrance was then produced, analogous in its contents, to the lord mayor's speech, and proffered for signatures. This paper was received by the livery with shouts of applause, and ordered to be delivered to the king on the throne. As it was intitled an Address, Remonstrance, and Petition, some difficulties arose at St. James's respecting the mode in which it should be presented; but at length the king granted the required audience. The lord mayor, and a train of common-councilmen, liverymen, and city officers, amounting to upwards of two hundred, were introduced to the king on the 14th of March, and presented the Remonstrance. On the following day, Sir Thomas Clavering rose in the House of Commons and said: "Sir, I have waited all the morning with particular anxiety, in hope that something, either by message or motion, would have been submitted to our consideration, relative to the extraordinary Remonstrance of yesterday, in which the independance of this House is not only arraigned, but its authority peremptorily denied, and the sovereign arrogantly informed that we are not

the representatives of the people. As nothing however has been offered upon this important subject, and as the time for making motions is nearly expired, I think it my duty, as a good subject, and an upright member of this House, to move, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, a copy of a paper, intituled, 'The humble address, remonstrance, and petition, of the lord mayor, aldermen, and livery of the city of London, in common hall assembled,' presented to his majesty on the 14th instant; together with a copy of his majesty's answer to the same*." Upon this the lord

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* The following are copies of the said Remonstrance, and his majesty's Answer thereto:

"To the King's most excellent Majesty.

"The humble Address, Remonstrance, and Petition, of the Lord Mayor, Aldermen, and Livery, of the City of London, in Common Hall assembled.

"May it please your majesty; we have already in our petition dutifully represented to your majesty, the chief injuries we have sustained. We are unwilling to believe that your majesty can slight the desires of your people, or be regardless of their affection, and deaf to their complaints: yet their complaints remain unanswered; their injuries are confirmed; and the only judge removable at the pleasure of the crown, has been dismissed from his high office, for defending in parliament the law and the constitution.

"We therefore venture once more to address ourselves to your majesty, as to the father of your people; as to him who must be both able and willing to redress our grievances; and we repeat our application with the greater propriety, because we see the instruments of our wrongs, who have carried into execution the measures of which we complain, more particularly distinguished by your majesty's royal bounty and favour.

"Under the same secret and malign influence, which through each successive administration has defeated every good, and suggested every bad intention, the majority of the House of Commons have deprived your people of their dearest rights.

"They have done a deed more ruinous in its consequences, than the levying of ship-money by Charles I., or the dispensing power assumed by James II.; a deed which must vitiate all the future proceedings of this parliament; for the acts of the legislature itself can no more be valid without a legal House of Commons, than without a legal prince upon the throne.

mayor, Mr. Alderman Beckford, immediately rose and said: "Sir; I should be greatly wanting in my duty, did I not stand

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"Representatives of the people are essential to the making of laws; and there is a time when it is morally demonstrable, that men cease to be representatives: that time is now arrived: the present House of Commons do not represent the people.

"We owe to your majesty an obedience, under the restrictions of the laws, for the calling and duration of parliaments: and your majesty owes to us that our representation, free from the force of arms or corruption, should be preserved to us in parliament. It was for this we successfully struggled under James II.; for this we seated and have faithfully supported your majesty's family on the throne. The people have been invariably uniform in their object, though the different mode of attack has called for a different defence.

"Under James II. they complained, that the sitting of parliament was interrupted, because it was not corruptly subservient to his designs: we complain now, that the sitting of this parliament is not interrupted, because it is corruptly subservient to the designs of your majesty's ministers. Had the parliament under James II. been as submissive to his commands, as the parliament is at this day to the dictates of a minister, instead of clamours for its meeting, the nation would have rung, as now, with outcries for its dissolution.

"The forms of the constitution, like those of religion, were not established for the form's sake; but for the substance: and we call God and men to witness, that, as we do not owe our liberty to those nice and subtle distinctions, which places and pensions, and lucrative employments have invented; so neither will we be deprived of it by them: but as it was gained by the stern virtue of our ancestors, by the virtue of their descendants it shall be preserved.

"Since, therefore, the misdeeds of your majesty's ministers, in violating the freedom of election, and depraving the noble constitution of parliaments, are notorious, as well as subversive of the fundamental laws and liberties of this realm; and since your majesty, both in honour and justice, is obliged inviolably to preserve them, according to the oath made to God and your subjects at your coronation, we, your majesty's remonstrants, assure ourselves, that your majesty will restore the constitutional government and quiet of your people, by dissolving this parliament, and removing those evil ministers for ever from your councils.

"Signed by order, JAMES HODGES."

His Majesty's Answer.

"I shall always be ready to receive the requests, and to listen to the complaints of my subjects; but it gives me great concern to find, that

forth and avow the part I have taken in this transaction. I was at the meeting of the livery at Guildhall, assented to the Remonstrance, and afterwards attended the delivery of it at St. James's. This conduct was dictated to me, by reflecting on the very extraordinary state of the nation at this juncture, when the crown is advised to take no notice of the many petitions presented by numerous and respectable bodies of men from almost every quarter of the kingdom. I therefore was of opinion, that a measure, striking as this Remonstrance is, might awaken an attention to enquire into, and to remove, the causes of public discontent. And I stand here, Sir, ready to abide, in common with the gentlemen near me, the consequences of our conduct." Alderman Trecothick, together with the Sheriffs Townshend and Sawbridge, acknowledged and gloried in their share of the transaction: they professed themselves satisfied no less with regard to the justice than the expediency of the measure, and declared they were so far from wishing to conceal their part in the transaction, that they considered it the most fortunate trait in their characters. Mr. Townshend said, he should vote against the question, as he looked on the House as not competent in the present case; it being the party accused in the Remonstrance, it would have the resemblance of a culprit sitting in judgment on a judge, who would certainly send that judge to Tyburn. Lord North pressed for the question. He said, the House of Commons was not corrupted; and that it was now essentially necessary to vindicate the honour of the House. He was surprized to see those gentlemen who avowed

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any of them should have been so far misled, as to offer me an address and remonstrance, the contents of which I cannot but consider as disrespectful to me, injurious to my parliament, and irreconcilable to the principles of the constitution.

"I have ever made the law of the land the rule of my conduct, esteeming it my chief glory to reign over a free people: with this view I have always been careful, as well to execute faithfully the trust reposed in me, as to avoid even the appearance of invading any of those powers which the constitution has placed in other hands. It is only by persevering in such a conduct, that I can either discharge my own duty, or secure to my subjects the free enjoyment of those rights which my family were called to defend; and while I act upon these principles, I shall have a right to expect, and I am confident I shall continue to receive the steady and affectionate support of my people."

the Remonstrance, attending parliament, as they disavowed its being a parliament. There were many reasons for taking it into consideration: the king in his Answer had said it was disrespectful to himself; this alone was a sufficient reason, as it was the duty of parliament to prevent any disrespect being shewn to the king, and especially it became the duty of the House, when it was also said to be injurious to parliament, and irreconcilable to the constitution, which he said it certainly was, as it prayed the king to take notice of a transaction of the House, which it would have been a breach of privilege in the king to have done.

Mr. BURKE said:

Sir: I cannot look upon the present motion without the deepest concern. I cannot consider the present situation of the country without the most sensible regret: torn, distracted as we already are, with intestine divisions, is it not amazing that any gentleman, instead of wisely trying to heal our wounds, should endeavour to render those wounds still wider, and instead of applying lenitives to mitigate the rage of the political fever, should madly administer such inflammatives, as threaten the actual existence of our constitution?

The object of the motion before you, Sir, is to cast a stigma upon the chief city of the British empire: a city which, on numberless occasions, has proved herself the true friend to freedom, the undaunted supporter of justice, and the invincible champion of our glorious constitution. A measure of this nature would at any time be extremely injudicious; but at a period like the present, it is big with a thousand dangers. The metropolis, Sir, is composed of the wealthiest citizens in the British dominions; their number is great, their influence prodigious, and their proceedings are, in general, the rules of action for all the inferior corporations in the kingdom. To brand them, therefore, at any time with a mark of obloquy, is to render an extensive share of the people dissatisfied, either with the equity or the moderation of government. It is to make that very part of the community to which in the hour of

public exigence we fly for assistance; from which we supplicate our loans, and obtain the essential sinews of political strength, our declared, nay, what is more, our confirmed enemies; and out of resentment to them, to do a manifest outrage upon ourselves.

This, Sir, would at any time be the consequence of offending the city of London: but, in the present case, the evils must be infinitely more complicated and alarming. To censure the citizens for what nine-tenths of the whole empire consider as an act of the most exalted virtue, is to rouse the indignation of every honest subject in the extensive circuit of our dominions. It is to aggravate the fury of a discontent, already too pregnant with danger, and to open a scene of horror, that will not close, perhaps, but on the total overthrow of the constitution.

Were I, Sir, an enemy to administration, instead of being simply an opposer of measures, and could I be base enough, through pique to any man in office, to overlook the welfare of my country, instead of rising up to oppose the present motion, I should be one of the most strenuous to support it, because I am positive nothing could so certainly accelerate their destruction. But, Sir, I am incapable of taking a mean revenge, however I may be injured, and I never will smile in the face of a foe when I mean to strike at his heart. For this reason, as well as for the infinitely more important reason of public good, I stand up to oppose the question before the chair; to bear my testimony to its injustice, as well as its inexpediency; to support the unquestionable birth-right of the British subject, and to defend the sanctity of our laws.

It is an observation sufficiently supported by the experience of all states and ages, that a fluctuation of councils in any kingdom is a manifest proof of its imbecility: admitting the position, therefore, and applying it to the councils of Great Britain, I believe the records both of ancient and modern history, will find it utterly impossible to point out an æra of such weakness, as the last nine years of the English annals. During this period, Sir, the

direction of public affairs has been in no less a number of hands than Mr. Pitt's, Lord Bute's, Mr. Grenville's, the Marquis of Rockingham's, the Duke of Grafton's, and Lord North's; so that if we were to divide the nine years equally between them, there would be just a year and a half for every separate administration. In the nature of things, Sir, this fluctuation of ministers could not be productive of salutary effects. Each different minister, without impeaching either the clearness of his head, or the probity of his heart, had his own peculiar plan of action; so that system continually contradicted system; what was done by the premier of one day was counteracted by the premier of the next, and, like Penelope, the whole wisdom of the legislative power was employed to unravel the political web, which cost such prodigious labour in the formation.

The consequences resulting from this heterogeneous medley of opinions were such as a sensible man might naturally expect: confusion became evident through every department of the state; reason was sacrificed to conjecture, and the reiterated experience of years was neglected, for the dreaming of flimsy speculation. Thus situated, the question at last was not, who could do the public business best, but who would undertake to do it at all? Men of talents and integrity would not accept of employments where they were neither allowed to exercise their judgment, nor display the rectitude of their hearts. They could neither prostitute their parts, nor their principles to the arbitrary fiat of an all-directing favourite, and therefore such only as could stoop to the despicable drudgery; such only, as, regardless both of honour and shame, could wade through the more than Augean stable of the state, and rush through infamy into office, were deemed fit for confidence, or could be prevailed upon to take up places of trust. The effects of these blessed arrangements were quickly discovered: the blunders committed through ignorance, were to be supported by violence, and the nation was to feel the unrelenting despotism of a

tyrannical administration, because it exclaimed against the incapacity of fools. Hence, having expelled a member of this House without cause, they proceeded to strip his constituents of their privileges without reason — and, so that a paltry resentment against a single individual could be gratified, no matter what ruin they dragged down upon the community.

Through all the distresses, however, all the miseries, which absurdity in the extreme, and little-minded rage, stung by disappointment into madness, brought upon the nation, the people still preserved their temper, from an inviolable affection for their sovereign; and did not think of approaching the throne with their grievances, till the malversation of ministers threatened immediate destruction to the state: till the sacred right of election, wrested from their hands, filled the freeholders of Great Britain with universal apprehension for their liberties, they never disturbed the royal repose with their complaints. But oppression having now exceeded all bounds — the axe being at length laid at the very root of the subject's independence — the people of England can be silent no longer: their silence at this time would be no less injurious to their sovereign, than dangerous to themselves: they have therefore in a constitutional, in a legal, in a becoming manner; in a manner equally honourable to their independency as Englishmen, and to their attachment as loyal subjects, informed the throne of its enemies, and of their own sufferings; they have pointed out the disease and the remedy, the source of our calamities and the means of redress. And shall we, Sir, because they have on this important occasion exercised the right of petition and remonstrance, which is secured to them by the laws, and particularly guarantied by the glorious Revolution; shall we, I say, load them with the censure of this house? Forbid it reason, forbid it justice, forbid it liberty! This house is instituted to protect the freedom of the subject, not to punish the subject for demanding to be free; it is instituted to scrutinize into the actions of ministers, not to be the desperate instrument of ministerial revenge.

On these accounts, Sir, let us reject the present motion, as pregnant no less with evil than absurdity. Let us not condemn that public virtue in the citizens of London which should actually excite our admiration; nor treat that candour in their remonstrance, which is highly meritorious, as if it was the effusion of disloyalty: it is the right of the British subject to petition, let us not deprive him of that right; the right of election has been already violated, let us not do aggravated injuries to the constitution. If the minister, however, has no regard for the peace of the nation, let him at least have some little regard for himself. The motion which brings the Remonstrance before us, also brings the Answer it received, and possibly that anwer may undergo as severe an animadversion as the spirited production to which it owes its existence.

After a long debate, the house divided on Sir Thomas Clavering's motion: Yeas, 271: Noes, 108.

Mr. Grenville's Bill for regulating the Trials of Controverted Elections.

March 30.

ON the order of the day for the third reading of Mr. Grenville's celebrated Bill for regulating the Trials of Controverted Elections, Mr. Welbore Ellis spoke against the whole bill, as not remedying the defects of the present mode of determining elections, and moved that the consideration of it be deferred for two months. The motion was supported by Mr. Fox, Mr. Dyson, Lord North, and Mr. Attorney-General De Grey; and opposed by Mr. Dunning, Sir William Bagott, Mr. Burke, and Mr. Wedderburn. Sir William Bagott, in the course of his speech, took occasion, by way of apology for his seeming defection from ministry on this occasion, to state and explain the conduct of a particular description of country gentlemen, of the same connection as himself. In the doing of

which, to distinguish his opposition in this case from that systematical opposition of gentlemen of a quite contrary description, he declared, that he and his friends kept their attention solely to measures and not to men; that they desired to support the constitution only as settled at the Revolution in church and state — while they saw others aiming to wound the constitution through the sides of ministry.

Mr. BURKE, agreeing with the last speaker in his support of the bill, arose to vindicate his friends and what he saw were the friends of the constitution, though gentlemen of a very different description from that speaker and his friends — although by the late description given of them, a Tory was now the best species of Whig, and according to that gentleman's definition of a Tory, the friends of political liberty and religious toleration were Tories, &c. He then defended the Whigs of the opposition on the ground that the necessity of strong measures and of potent remedies, arose from the inveteracy and dangerous nature of the disease; and that if these gentlemen were real friends of the constitution, they would not abate, but would apply still more and more powerful caustics, until the disease was eradicated. He made an excellent distinction between faction and the opposition of party founded on principle. He then shewed, that parliament was not meant to be a representation of the landed property only, but of the commercial interest chiefly, as appeared from the establishment of the boroughs — essential parts of that representation, existing in times earlier than any annals or history can give testimony of: that there never was any parliament from which the learned gentlemen of the long robe were excluded, except that one, infamous to a proverb, in the appellation which it acquired of *parliamentum indoctum*: he therefore congratulated the gentleman on this happy and honourable precedent in favour of his argument. He then compared the benefit derived to society from the unactuated load of landed abilities, which descended from generation to generation, in the useless members of the community, and that which derived from the acquirements,

improvements, and activity of mental abilities, and shewed that either might be pernicious, and yet that both were of real benefit wherever and whenever they mixed, but always more so when acting in mutual aid of each other. Thus far in answer to the occasional remark of the gentleman who spoke before him. He then went into a general description and detailed discussion of the several parts of the bill and of its regulations, and ended with a support of the whole in form and principle.

The House divided on Mr. Ellis's motion: Yeas 123: Noes 185. So it passed in the negative, and the bill was read a third time. On the 1st of April, upon Mr. Grenville's moving, that the bill do pass, Lord North said he did not intend to give any more opposition to the bill, though he owned he did not like it; that, perhaps, the House would not thank him for this declaration, as it might appear to proceed from necessity, he having been beaten by so great a majority the day before. Sir William Bagott conceiving himself and the country gentlemen to have been violently traduced in Mr. Burke's speech the day before, made a long and vehement invective against him, calling him a Black Jesuit, educated at St. Omer's, fit to be secretary to an inquisition for burning heretics. Mr. Burke answered him well; and in his speech led on a sort of political creed, which he professed himself to follow; and in consequence of which, many other gentlemen delivered their creeds. Secret influence was hinted at a good deal. Mr. Dowdeswell, Mr. Grenville, &c. disclaimed being governed by it whilst in power, but owned they had felt the effects of it. Lord North declared he would never yield to any such influence whilst he remained in power: others congratulated the House on this declaration. The bill was then passed.

Mr. Burke's Resolutions relating to the Disorders in North America.

May 8.

THIS day Mr. Burke moved, 1. "That so much of his majesty's most gracious speech to both Houses of parliament, upon the 10th of March 1768, as relates to his majesty's colonies in North America, might be read. 2. That the preamble of an act made in the 7th of his present majesty's reign, intituled, 'An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthen-ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations;' might be read. 3. That so much of his majesty's most gracious speech to both Houses of parliament, upon the 8th of November 1768, as relates to his majesty's colonies in America, might be read. 4. That the copy of a letter from the Earl of Hillsborough, to Governor Bernard, dated Whitehall, April 22. 1768: and also, copy of circular letter to all the governors on the continent of America, except Massachusets Bay, East Florida, and Quebec, Whitehall, April 21. 1768: and also, copy of Governor Bernard's message to the assembly: and also, copy of the assembly's answer thereto, and of his message to them, of the 24th of June 1768; which copies were presented to the House, upon the 28th of November 1768; might be read. 5. That the resolutions of both Houses of parliament of the 8th of February, in the last session of parliament, relating to the Massachusets Bay, in North America, together with the address of both Houses of parliament thereupon, might be read. 6. That the copy of a circular letter from the Earl of Hillsborough, to the governors in America, dated Whitehall, 13th May 1769, might be read. 7. That so much of his majesty's most gracious speech to both Houses of parliament, upon the 9th of May

1769, as relates to the disturbances in North America, might be read. 8. That the extract of Lord Botetourt's speech to the council and house of burgesses of Virginia, on the 7th November 1769, with their addresses in answer thereto, might be read. 9. That so much of his majesty's most gracious speech to both Houses of parliament, upon the 9th of January last, as relates to his majesty's colonies in America, might be read." And the same being read accordingly,

Mr. BURKE rose and said, that he should, from the state of things which these papers opened to the House, lay before them the state of measures, and the plan, (if such it could be called) of administration, which his majesty's ministers had attempted to execute, from the fatal hour, since they left that ground of peace on which the affairs of the colonies were established after the repeal of the stamp act.

He said, that the declaratory law sufficiently established the sovereignty of this country over its plantations and colonies; but that the wise ministers who succeeded, did not think this sufficient, without some exercise of the power of taxing, such as might secure the dignity, as well as sovereignty of government; by which, at the bottom, they meant the doing something to save the honour of particular persons. That it was very extraordinary, that the great person, who was one of the foremost for repealing the stamp act, and that, too, on the principles of the Americans themselves, should, when he found himself at the head of the ministry, be the very person to adopt the measure of levying a new system of taxes upon the colonies. And it was also particularly unfortunate, that when a measure, so likely to meet with every obstruction and opposition in America, was adopted, no one precautionary step was taken to secure the execution of it, neither of policy, nor power. And, to add to the fatality, the execution was left to hands which, in the sequel of events, had proved the most unfit for it of any that could be employed.

The honourable gentleman then prefaced what he had to say, with begging that he might not be understood to

mean any thing personal against any man, especially the minister who might appear to be most affected by his conclusions; that he had really a personal regard for the noble lord; that he wished rather by pointing out errors, to lead to redress for the future, than to punishment for the past; yet, on the other hand, if upon the state of the enquiries, things and actions, which were connected with persons, did appear to deserve the animadversion, the censure of the House, he should adhere to what was right for the public, be the persons whomsoever, or whatsoever they may.

The honourable gentleman then opened, with infinite wit and raillery, the plan of dignity adopted by the ministers, and shewed how it was pursued through every transaction; from the proposing the new revenue act for America, to their partial repeal of it in this session. He began first with the measures taken, when the parliament was persuaded to pass an act for suspending the assembly of New York, and shewed, that instead of producing a submission from that assembly, on which the dignity of government was to be established, it produced resolutions in that assembly against both the dignity and authority of this government. The quartering bill, which this suspending act was meant to enforce, was never submitted to; and the whole effect was, that the act of parliament was now no longer in force, but the resolutions were, and have had their effect.

As the revenue acts produced in America nothing but resolutions against our power of taxing, the next step of dignity was a letter of a secretary of state, ordering, with a menace, in case of refusal, the assembly at Boston, from whence the measure of resolving first took rise, to rescind all such resolutions, and directing the governors of the other provinces, by another and circular letter, to induce their assemblies to treat the Boston resolves with the contempt they deserved. Here again our dignity was dishonoured. The Boston assembly, who would not rescind, was dissolved, and was permitted to sit again without re-

scinding; and the other assemblies treated the secretary of state's letter with contempt.

These wise steps of policy failing, and the people of America growing every day more and more confirmed in their resolutions, and more and more inflamed, several acts of violence broke out. Upon this state of things, the crown was now, as confessedly unable to carry its measures into execution, advised to call in the aid of parliament, to tell parliament, that it could not govern those ungovernable people. The parliament was persuaded to come to some threatening resolves, and to give back the curious advice of sending for the subjects of America, suspected of treason and misprision of treason, to England, under the authority of an old act of Henry VIII. to be tried here. These threats never were, as it was known they never could be, carried into execution. They exposed the weakness of parliament, they rendered its power abhorred, and reduced the dignity of government to contempt.

These great strokes of policy not succeeding, the plan took a firmer tone, and, upon an account received of some breaches of the peace, and some affrays with the custom-house officers, a fleet and an army were sent to Boston, to secure not our dignity, but government itself, as was given out. See now the issue of this: the civil magistrate, who was said to call for the aid of these troops, would neither receive nor quarter them; would not accept, nor use their aid; so that, after the parade of the terror was over, and after the ministers found they could not frighten the people, they withdrew part of this armament, and the rest are now drawn out of the town. So that, on the upshot, it appears, that instead of having established the dignity of government, you have now shown, by the attempt, that you have lost the power of effect, either to suspend or to prorogue, or even to induce the assemblies to rescind their resolves against your power.

Every measure of crude impracticable vigour, you abhorred. Every measure of lenity, (proved to be the lenity of a braggart forced to submit,) has brought you into con-

tempt. At the very time that parliament was to be persuaded to take up the menace of Henry VIII.'s act, ministry were preparing a plan of submission; and when they found that the terms of their submission would not be accepted by the Americans, the ministers, by another circular letter, upon the plan of lenity, laid the grounds for their friends in America to negociate a reconciliation; pretending themselves, in the mean while, to hold up their heads high under the authority of parliament, which could not submit; and yet, if their friends could have carried any one point that would have served for ostensible ground to parliament, parliament was to be persuaded to repeal as they should recommend. And, lastly, although the Americans could not be induced to do even this, yet parliament was persuaded to repeal article for article, as the ministers had promised, and vowed they should, and not a jot further. So that now, not only dignity, but government and power are all brought to nought. Every instrument is gone; there is neither civil nor military. The malignity of your will is abhorred; the debility of your power is contemned — which ever has been, and is now the case of a government without wisdom.

These measures, and this state of things, do not only deserve, as we have expressed it, our most serious consideration, but so far as it shall appear, that this state of things have been brought on by those measures, the measures do surely deserve our censure; and upon this ground the honourable gentleman said he should propose resolutions of censure of the several measures which had been lately taken. Which Resolutions were as follow:

1. "That, in several of his majesty's colonies in North America, disorders have of late prevailed, prejudicial to the trade and commerce of this kingdom, and destructive to the peace and prosperity of the said colonies.

2. "That a principal cause of the disorders which have lately prevailed in North America, hath arisen from the ill-judged and inconsistent instructions given, from time to

time, by persons in administration, to the governors of some of the provinces in North America.

3. "That the directing the dissolution of the assemblies of North America, upon their refusal to comply with certain propositions, operated as a menace injurious to the deliberative capacity of these assemblies, and tended to excite discontent, and to produce unjustifiable combinations.

4. "That the assemblies of North America having been dissolved for not disavowing or discountenancing certain combinations, and the suffering new assemblies to sit without disavowing or discountenancing the said combinations, was a proceeding full of inconsistency, and tending to lower, in the minds of his majesty's subjects in America, all opinion of the wisdom and firmness of his majesty's councils.

5. "That it is unwarrantable, of dangerous consequence, and an high breach of the privilege of this House, to promise to the assemblies in North America the interposition or influence of his majesty, or of his confidential servants, with this House, in any manner which may tend to create an opinion in those assemblies, that such interposition or influence must necessarily bring on a repeal of any duties or taxes laid, or to be laid, by authority of parliament.

6. "That it is highly derogatory from his majesty's honour, and from the freedom of parliamentary deliberation, to pledge the faith of the crown to the said assemblies, for the repealing or laying on, or continuing, or not laying of, any taxes or duties whatsoever.

7. "That to give assurances in his majesty's name, distinguishing certain principles of taxation, and disclaiming an intention to propose any taxes within the said description, in order to establish and justify unwarrantable distinctions, has a tendency further to disturb the minds of his majesty's subjects in America, and to weaken the authority of lawful government.

8. " That to lay before this House suggestions of treason, or misprisions of treason, subsisting in America, in order to bring this House into a plan for the repressing and punishing such supposed treasons and misprisions of treason, when in reality no such treason, or misprisions of treason, did subsist, or, if they did subsist, no measures whatsoever have been taken, or appear to have been intended, for apprehending and punishing the persons concerned in the same, is an audacious insult on the dignity of parliament, and, in its consequences, tends either to bring a reflection on the wisdom and justice of parliament, or to encourage treasons and treasonable practices by neglecting to carry into execution measures recommended by parliament."

The resolutions were opposed by Mr. Rice, Colonel Onslow, Lord Clare, and Lord North; and supported by Mr. William Burke, Mr. Townshend, Mr. Wedderburn, and Mr. Grenville. The first resolution was negatived without a division. On the second, the House divided, Yeas 79: Noes 199. The remaining resolutions were negatived without a division.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.*

November 13.

THIS day his majesty opened the session with the following speech to both Houses:

" My Lords and Gentlemen;

" When I last met you in parliament, I renewed to you the assurances which I had before given you, that it was my fixed

* " No change had taken place in administration during the recess; and as Lord North had successfully weathered the storms of the winter, supported by a prodigious majority, upon almost every occasion, he seemed now to be as securely fixed in his seat at the head of the

purpose to preserve the general tranquillity, maintaining at the same time the honour of my crown, together with the just rights and interests of my people; and it was with much satisfaction, that I indulged the hope of being still able to continue to my subjects the enjoyment of peace, with honour and security. Since that time, those very considerations, which I then promised you, that I would never sacrifice, even to the desire of peace, have laid me under an indispensable necessity of preparing for a different situation.

"By the act of the governor of Buenos Ayres, in seizing by force one of my possessions, the honour of my crown, and the security of my people's rights, were become deeply affected. Under these circumstances, I did not fail to make an immediate demand, from the court of Spain, of such satisfaction as I had a right to expect for the injury I had received. I directed also the necessary preparations to be made, without loss of time, for enabling me to do myself justice, in case my requisition to the court of Spain should fail of procuring it for me; and these preparations, you may be assured, I shall not think it expedient to discontinue, until I shall have received proper reparation for the injury, as well as satisfactory proof that other powers are equally sincere with myself in the resolution to preserve the general tranquillity of Europe. In the mean time, I have called you thus early together, in order that I may be able to receive from you such advice and assistance, as in the farther progress of this very important business, may happen to become requisite.

"With respect to the state of my colonies in North America, although I have the satisfaction to acquaint you, that the people

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treasury, as the fashion of the times, and the precarious circumstances that might attend the commencement of the war, would admit of. The state of the different parties in opposition, had hitherto suffered no very material change. The death of Mr. George Grenville, which happened on the day of the meeting of parliament, having left that particular party, of which he was considered as the principal, without a leader, some of the most distinguished of them, and who appeared the most sanguine in opposition, went over to the court. Those of the old Whigs, who are called the Rockingham party, which was the strongest and most numerous of those in opposition, still continued to act upon the same principles on which they set out; and those who were particularly attached to the Earls of Chatham, Temple, or Shelburne, took a general part with them in most public measures." — *Annual Register.*

in most of them have begun to depart from those combinations, which were calculated to distress the commerce of this kingdom, yet in some parts of the colony of the Massachusett's Bay very unwarrantable practices are still carried on, and my good subjects oppressed by the same lawless violence which has too long prevailed in that province.

"I hope and trust, that the precautions which have already been used for securing this country against the visitation of that fatal calamity, which has of late appeared in some of the distant parts of Europe, will, with the blessing of God, prove successful. But if, from any alteration of circumstances, it should at any time be found, that farther provisions will be wanted, I cannot doubt of your ready concurrence for so salutary a purpose.

"Gentlemen of the House of Commons;

"I will order the proper estimates for the service of the ensuing year to be laid before you. They must unavoidably, in our present situation, exceed the usual amount. Every unnecessary expence my concern for the ease of my good subjects will ever make me careful to avoid. But I should neither consult their interest, nor their inclination, if I were to decline any expence, which the public security, or the maintenance of the national honour, does at any time require.

"My Lords and Gentlemen;

"I am sensible how little I need say to you at this time, to prevail upon you to unite in whatever may best promote the true interest of your country. In all your deliberations upon points of a domestic nature, let the extension of our commerce, the improvement of the revenue, and the maintenance of order and good government, be always in your view. With respect to foreign measures, there will, I am persuaded, be no other contest among you, than who shall appear most forward in the support of the common cause, in upholding the reputation and promoting the prosperity of the kingdom. For the attainment of these ends, you shall ever find me ready to exert myself to the utmost. I have no interest, I can have none, distinct from that of my people."

An address of thanks in approbation of the speech from the throne was moved by Lord Greville, and seconded by Mr. George Rice. After the conduct of government with regard

to foreign as well as domestic affairs had been defended by the Secretary at War, Lord Barrington,

Mr. BURKE rose and said:

Sir; the defence which the noble lord who spoke last has been pleased to make of his conduct, is a very pleasant sally of his fancy, and a very polite compliment to this House. The noble lord has not attempted to shew the rectitude of his measures upon any principle of truth and reason, but he says that in every thing for which he has been censured he had your concurrence. This, however, while the exceptions to his conduct remain unremoved, is rather proving you to be wrong than himself to be right. He attempts his justification not by works but by faith; he has laid his sins upon you, and I dare say, in the day of account, would be very glad to make you the propitiatory sacrifice, and avail himself of the atonement. I apprehend, however, that you have iniquities enough of your own to answer for, and that it would be prudent not to take upon you the iniquities of others. No supposed criminal has any pretence to blame his accuser, till he has exculpated himself; why, then, should the names of faction and sedition, by which the noble lord has thought fit to distinguish the motives that induced me to bring the affair of St. George's Fields into this House, move my choler? The measure was laudable, whatever were the motives, nor need the noble lord to take the part I acted so much in dudgeon. I was not the first that accused him. I gave him, indeed, an opportunity to vindicate himself if he was traduced; and surely, if he had been innocent, he would have been obliged to me for that.

But why did the noble lord exert all his influence, and all his oratory, to prevent an enquiry? There is but one reason, I believe, and of that no person in this House is so dull as to be ignorant. It is true, that upon a division, I was joined by no more than 39 members; but I was not surprised at that. The share which a great personage had in the transaction that I arraigned, rendered many patriots

who are flaming enough on other occasions, extremely cool upon this. Their virtue was chilled by the fear of giving offence, and a man of more prudence than I profess, would have followed their example. If I had done so, I should not, perhaps, have been accused of faction and sedition. But to shew the noble lord that neither fear nor dependency have altered my principles, or shall alter my conduct, I here pledge myself to him, to this House, and to the public, that I will bring this affair once more into question during the course of the present session. Such materials have since come into my hands, that I hope to see it meet a fate very different from that which attended it last year. Much, indeed, is not to be expected from this soil, yet I will do my duty; I will plant, it is your part to give the increase.

The noble lord, I think, too hastily concludes, that the two letters which have been excepted to are unexceptionable, and that those two are all against which exceptions can be brought. As to the first, he seems greatly to pride himself in the testimony of a court-martial, but his pride may be humbled. Courts-martial, as well as Houses of Commons, have erred: they have no more claim to infallibility than a pope or a council. A court-martial acquitted Lestock and condemned Matthews; but the public has since passed a different sentence, and posterity will approve the decision. I wish the noble lord may not find that his conduct will fall under the same condemnation. In my opinion, he has no more cause to triumph over us, than his fellow labourers in the political vineyard to triumph over the Americans. Because the colonists have begun to import, they cry out Victory! But the colonists are still true to their first principle, and still act steadily upon it. They determined to import no article that was taxed; where many articles were taxed they refused to import many; now tea only is taxed, they refuse to import tea: they have regulated their conduct by that of the ministry; as ministry rose in its pretensions, America rose; as ministry relaxed America relaxed. So that it is manifest, no

advantage has been gained over them. The loss of their trade, their affection, and their allegiance has been hazarded, but the quarrel is as far from being compromised as ever; before America, therefore, can heartily concur in any measures which it may be necessary for Great Britain to take, her grievances must be redressed; and he who shall advise hostilities against the Bourbon compact, till a compact shall take place between Great Britain and her colonies, is a foe or a driveller. Nor is it less necessary, that the inhabitants of Great Britain should be compacted with each other, which can never happen till the complaints of the Middlesex election are removed. I do not say that we are not a legal assembly; I do not countenance the insolence of the capital; but I know that many wise and good citizens suspect us to be only a House of Commons *de facto* and not *de jure*; and while such an opinion prevails, none will pretend that it is safe for us to impose taxes and other burdens, which we cannot but render necessary, but those the policy and prudence of which are of the same cast with those of our ministers.

Sir, any other men would have foreseen the harm that is now bursting over our heads, or at least have trusted to the warning of those who had better eyes. I, among others, ventured to foretell it from the appearance of the political sky; but I was called a child of faction, and my optics were said to be jaundiced with discontent. Our wise rulers, easily believing what they wished, and foreseeing their own fall in a fresh war, would hear nothing about it. Spain preached to them in vain by her declarations; she preached to them in vain by her conduct; and, refusing to hear them, they would not have believed, though one had risen from the dead. They have been held torpid by some Circean enchantment, and when at last they were roused from sleep, then it was some months before they could recover their senses: reason they never could recover, for they never had reason to lose; they jumped about like a squirrel at the sight of a cat; they leaped and squatted and whisked their tail about and ran into a hole; and in

what hole did they take refuge? why, the ministry of France. They applied to France as a mediator to accommodate their differences with Spain.

When they thus betray the interest and honour of Great Britain to our enemies abroad, can we wonder, that the speech from the throne does not convey as much intelligence as a common newspaper to the people at home? This annual specimen of our ministers' art in government and rhetoric has every deficiency that can render them despicable; it is not sound sense, it is not grammatical English. They have for a year past acted as if we had not an enemy in the world, and yet it is evident from the king's speech at the opening of the last session, that they apprehended a war. Let the clerk read the paragraph of that speech to which I allude.

This paragraph was read accordingly, and is as follows: "The uncommon burthens, which my subjects have borne so cheerfully, in order to bring the late war to a happy conclusion, must be an additional motive to make me vigilant to prevent the present disturbances in Europe from extending to any part, where the security, honour, or interest of this nation may make it necessary for my crown to become a party. The assurances which I receive from the other great powers, afford me reason to believe, that my endeavours will continue to be successful."

The above report of Mr. Burke's speech appeared in the Gentleman's Magazine for November 1770: the following is taken from the London Museum for the year 1771.

Mr. BURKE rose and said: Sir; I cannot help thinking, that this House is greatly obliged to the noble lord who spoke last. Instead of trusting to the internal rectitude of his conduct, and defending it upon that ground, he makes you a party concerned, and gives broad hints, that if he sustains any disgrace, you must have your share of it. Whatever his sins may have been, you have taken them upon your own heads; and he stands redeemed and justi-

fied. As the ministers have frequently made the king, he makes you the propitiatory sacrifice to atone for his transgressions. This is a compliment for which, I apprehend, you will not thank him; for, pure and immaculate as you are, you have enough to do to answer for your own iniquities. I hope, therefore, that, for the future, you will be a little more cautious in giving any delinquent the least handle for thinking himself acquitted, while he is only not condemned. The apology now made ought, I am sure, to teach you this lesson. For, though you only forbore to enquire into the matter, when it was started in this House, he construes your forbearance into an acquittal.

When the noble lord reasons so logically, why should it move my choler, that he christens my motives for bringing the affair before this House, by the odious names of faction and sedition? My motives are of little significance; but, whatever they were, the act was laudable and constitutional. The voice of the people was loud and importunate in its favour; and a genuine representative ought to second their honest efforts. Nor ought the noble lord to take my conduct so much in dudgeon. I was not the first that accused him. I only gave him an opportunity of vindicating himself, if he was traduced. Why, then, since he was so innocent, did he exert all his influence and oratory to prevent an enquiry? I believe no one in this House is dull enough to be ignorant of the reason. Nor was I surprised that, on a division, no more than 39 members joined me. The share which a great personage had in the transaction which I arraigned, rendered many patriots, flaming enough at other times, extremely backward on this occasion. The fear of giving offence damped their virtue. A man of more prudence than I profess, would have copied their example. Then, perhaps, I should not be accused of faction and sedition. But if this be faction and sedition, I shall be factious and seditious all my life. To shew the noble lord that I do not repent of my conduct, I here pledge myself to him, to this House, and to the public, that I will bring this affair once more into this House, in

in the course of the present session. By the assistance of some fresh materials, which have come into my hands, I hope to see it meet with a fate very different from that which attended it last year. Much, indeed, is not to be expected from the complexion of this body. Yet I will do my duty. I will sow; it is your part to give the increase.

The noble lord values himself greatly on having, in such a multiplicity of letters, written only two that are exceptionable. But does it follow that he has been entirely blameless, because no more have been actually impeached? I should be inclined to draw a quite different conclusion, and to suspect that he must have frequently blundered, since he committed such capital errors in such momentous dispatches. It is not every day that the most ignorant and wicked men will perpetrate a capital crime. Nor let him be too proud of the testimony of the court-martial. Courts-martial, as well as Houses of Commons, have erred. They are no more infallible than popes and councils. A court-martial acquitted Lestock, and condemned Matthews. But the public passed a different sentence, and posterity approved the verdict. I wish the noble lord may not find that his conduct will fall under the same predicament.

Sir; to me the noble lord seems to tread close in the footsteps of his fellow labourers in the ministerial vineyard, and to crow over us with the same reason that they triumph over the Americans. As the injured colonists have begun to import, they conclude that their point is gained, and they cry out Victory! But what ground have they for this exultation? The colonists have all along continued true to their grand original principle. As the ministers were not satisfied with the declaratory act, but reduced to practice a right, which should have been deemed only speculative; as they imposed taxes upon certain articles of commerce, the colonists discontinued the importation of those articles. As the ministers, in their great wisdom, chose to repeal every new tax, but that on tea, the colonists chose to keep pace with them in their

scheme of reconciliation, and to recommence the importation of the articles which were again freed of taxes. But as the ministers thought proper, for the sake of preserving the right of taxation, to continue the duty on tea, the colonists, in order to deny this right, thought proper to continue their associations for the non-importation of tea. In short, they have invariably regulated their conduct by that of the ministry. As administration rose in its pretensions, America rose. As administration relaxed, America relaxed. Nor has any advantage been yet gained over them. Though the loss of their trade, the loss of their affections and allegiance, has been hazarded, the quarrel is as far as ever from a termination. They have in some measure copied the prudence of the king of Prussia, one of the most politic princes in Europe. When any foreign state lays a tax upon any goods exported out of his territories, what does he do? He immediately lays an equivalent tax upon some commodity exported out of their country. The Americans could not directly take this step, but they did what was tantamount; they entered into a solemn agreement to import none of the taxed goods.

Thus it appears, Sir, from this deduction, that the ministers have no reason to plume themselves upon the termination of the quarrels which they have revived in America, or upon any assistance which they are likely to derive from that quarter. Before the Americans can heartily concur in any measure, which it may be necessary for Great Britain to embrace at this juncture, their grievances must be redressed. The same irrefragable arguments which were applied by my honourable friend to Great Britain, are equally applicable to them and the Irish. Their support must be purchased by the removal of every cause of discontent. This is the only magic, the only charm which can draw their affection, which can cement and unite the different members of the empire, and make it act, as if inspired by one soul. Instead, therefore, of charging the Americans with "very unwarrantable

practices," and thus threatening them with coercive measures, the minister ought to have immediately proposed the repeal of the tea act, and to have adopted every other scheme of reconciliation. Thus formed by mutual confidence and attachment, into one firm and compact body, we may look our enemies in the face. He who gives any other advice, can hardly be an honest, much less a wise counsellor; and the minister who could not see and embrace this truth, is not, by his abilities, entitled to the station which he occupies. For if the Bourbon confederacy be not an object of terror, it is certainly no just object of contempt. He, therefore, who will not strive to exert against it the whole undivided strength of our empire, must either be a foe or a driveller.

But, why should we be surprised at this treachery, when the complaints of the people about the Middlesex election remain unregarded? I do not say that we are not a legal House of Commons. I do not countenance the insolence of Westminster and the capital; but I must and will say, that many sober and good citizens, who are swayed by the authority of Locke, and other constitutional politicians, may have their doubts on this head. They may suspect us to be a House of Commons only *de facto*, and not *de jure*. When such an opinion prevails, is it safe for us, at such a critical period, to take upon ourselves the odium of imposing taxes, and all the other burdens and evils necessarily attending upon a war? None will say so but those who are on a par with our present ministers in policy and prudence. As they have, by their cowardice or ignorance, involved us in a war, they would, by the exercise of the same virtues, render us incapable of carrying it on with success.

Sir, any other men would have foreseen the approach of this calamity; or, if blind themselves, would have profited by the sharp-sightedness of better eyes. They had sufficient warning of the storm which now threatens to burst over our heads. I, among others, ventured from the face of the heaven to prognosticate. But I was a "child of

faction," and my optics were jaundiced with discontent. I could not read the political sky. Our wise rulers, easily believing what they wished, and foreseeing their own fall in a fresh war, would give no ear to any arguments on that head. Nay, when they received certain intelligence of the violence intended by Spain, and saw that her actions corresponded with the language and pretensions of her ambassador, they would not believe. Had one risen even from the dead, they would have remained infidels. Where their interest is concerned, they will be deaf and dumb and blind. Their benumbed faculties betray the stupor of ideots. Notwithstanding the repeated warnings they had received of the hostile dispositions of Spain, they lay plunged in the most supine security. They attended to nothing but their amusements and their libels, until at length your garrison, which was driven from Falkland's island with the yoke of a capitulation about their neck, knocked at their door, and told them it was war. Then, at broad noon-day, they opened their eyes, as if they had been surprised at midnight; and, like men between sleep and awake, they ran about in hurry and dismay, crying out war, and begging peace; bullying, and submitting: striking their heads against every thing they met; incapable of distinguishing foes from friends; till at length — like a poor skipping, fidgetting, fascinated squirrel, that jumps for refuge into the mouth of the rattle-snake — they concluded their wild, inconsistent efforts, by taking France for their mediator. To the mediation of France they apply, in order to accommodate our differences with Spain.

Sir; when this is the manner in which they consult the honour and dignity of Great Britain, why should we wonder that the speech from the throne does not convey to this House as much intelligence as may be collected from a common newspaper? These fugitive essays, which die almost as soon as they are born, and hardly equal in duration the life of the ephemeron fly, communicate more knowledge than the master-piece, the annual specimen of our ministers in the art of government and rhetoric. Indeed, how

should they not, when it is equally deficient in grammar, elegance, and sound sense? Every thing, Sir, contributes to make us form a despicable opinion of administration. They have, for this year past, acted as if all Europe promised the profoundest tranquillity, as if all our enemies were lulled asleep; and yet it is evident, from the king's speech at the opening of the last session, that they apprehended war. What more is wanting to prove that their whole conduct is but a chaos of contradiction, ignorance, and wandering? That I may not be accused of making a false charge, I beg that you will desire the clerk to read that part of the speech to which I allude. [This clause was accordingly read.]

The Address was agreed to without a division.

POWER OF THE ATTORNEY GENERAL TO FILE INFORMATIONS EX-OFFICIO.

November 27.

AN important debate took place this day in the House of Commons, on the motion of Mr. Constantine Phipps, "That leave be given to bring in a bill to explain, amend, and render more effectual the act made in the 4th and 5th of William and Mary, intituled, 'An act to prevent malicious informations 'in the court of king's bench, and for the more easy reversal of 'outlawries in the same court.'" The intention of the proposed amendment, was to restrain certain powers lodged in the hands of the attorney general, which enabled him to file informations, and carry on prosecutions *ex-officio*, without the interference of a grand jury, or going through the usual and established forms observed by the courts in all other cases. Some recent instances of the exercise of this power, in the carrying on of prosecutions for libels, had been the cause of much popular complaint and discussion without doors, and were the causes of the present motion. After it had been supported

by Mr. Cornwall, Mr. Serjeant Glynn, and Sir Herbert Mackworth; and opposed by Mr. Welbore Ellis, Mr. Attorney General De Grey, Mr. Solicitor General Thurlow, and Mr. Wedderburn,

Mr. BURKE spoke to the following effect:

Sir; the objects now under our consideration, seem to me to be of great importance, and to deserve something more than a silent vote. I will, therefore, with the leave of the House, endeavour to throw some light on the subject. Several gentlemen, Sir, have dwelt with a kind of secret complacency and satisfaction on the high antiquity of the attorney general's power of filing official informations. They have set before our eyes in every engaging light, the respect and reverence which it has derived from the savoury mouldiness and the venerable rust of ages. The monarchy has subsisted and flourished most during the existence of this power. Why, then, quarrel with it at the present juncture, when it is likely to prove most beneficial? I will not say that there is no weight in this reasoning, because I will not say that there is any question without its difficulties. Most questions have, like Janus, two faces; and if you view only one of them, you may, with a little management, make your favourite side assume a pretty fair and comely appearance. Something of this legerdemain is observable on the present occasion. While the opposers of the motion celebrate the flourishing state of the monarchy, during the existence of this power, they forget to prove to us, that it owed that happiness to the attorney general.

Sir, it is the fate of narrow minds and confused heads, to mistake one cause for another, and to make nature as great a chaos as their own brain. Were it necessary, we might easily trace the flourishing state of the monarchy up to other causes, and demonstrate by facts, that this institution retarded rather than accelerated its growth: but there is no occasion for fetching such a tedious compass; arguments enough have been already advanced to prove it unconstitutional and incompatible with liberty. What can be a clearer

evidence of its having never benefited the kingdom? The same arguments which prove it now prejudicial, prove it prejudicial ever since its commencement. But what if it should be shewn not to have the sanction of antiquity? Sir, I have enquired among others into this point; but fortune has not been favourable to my diligence. I have not been able to trace it into the darkness and obscurity of remote ages: nay, I have found it to be modern, and as it were of yesterday. Far from fixing it as high up as Edward the Third, I have been obliged to come much farther down from the source. The words "matter of record," which have been quoted, did not mean official informations. Bracton, who is allowed by all to be a good authority, mentions "actions popular," which, I apprehend, were founded on these expressions: but "actions popular" were not the same as official informations; and in short I have, upon the minutest enquiry, been forced to allow them but a modern date.

Thus then it appears, Sir, that the opposers of the motion cannot take refuge under the wings of antiquity: they are beat out of the entrenchments of Gothic rubbish, under which they hoped to remain impregnable. Whither now will they fly for shelter? To a majority of voices: in these alone, not in argument, will they prove victorious. If we have any discretion, any shame left, we must agree to this motion, and either totally abolish or modify the attorney general's power of filing official informations. Were there no other argument for this measure but that single one advanced by the opposer, that the office is odious and suspected, it would, in the opinion of any sober man, be sufficient. For as all government was originally instituted for the ease and benefit of the people, no establishment, which gives them nothing but uneasiness, can be approved by a wise legislature. Let it then be cut off from the constitution as a rotten limb, which escaped the notice of our forefathers in the hurry and precipitation of the Revolution. But we are not pressed by necessity! There is no complaint of any late abuse of this power! This I flatly deny. The power has been egregiously abused in the case of Al-

mon. Why was he singled out, and prosecuted before the rest of his brethren? He whose guilt, if any, was only nominal? Why was not the original publisher and others, who had no excuse to allege, first brought to justice? Here, I believe, every man discovers malice. Almon had been active in promoting certain measures not very agreeable to the cabal. He had published certain journals, which contained anecdotes that some people high in office and power could wish to have buried in eternal oblivion. It was resolved to punish him for these acts of temerity. Hold was therefore laid of this slender twig. But what ensued? The courts dare not make use of the strange verdict procured against him. The only cause which the attorney general has been able to carry against libellers, he cannot turn to any account. From him we learn that the office is so odious and detestable to the people, that it does not answer any of the purposes for which it was intended. Has he not here said enough to induce us to abolish or modify it? Yes, certainly; if we do not suppose, with some speculative politicians, who will justify the court at all points, that the people are corrupt, and that the courts of justice and the administration are blameless. For I must aver, that one of these three propositions must be true, otherwise such atrocious libels as we have lately seen could never have passed unpunished.

Now, Sir, I can see no reason for supposing that the people have sunk to the very dregs of corruption, that they naturally delight in slander and detraction, and love to protect libellers and defamers. It is not long since they would bring in a libeller guilty even at the suit of the attorney general. In the reign of George the Second, no such mortifying repulses were received from juries, even when a dangerous rebellion raged in the very heart of the realm. Government was sufficiently respected to maintain its authority. Shebbeare was without any difficulty punished with imprisonment and pillory; and many other delinquents were chastised by the lash of the law. Even so late as the beginning of his present majesty's reign, when the

minds of men trusted to his own benign and auspicious disposition, and were not soured by the interposition of undue influence, the laws had not lost their salutary terrors. Do you ask a proof? The forty-fifth number of the North Briton is an undeniable evidence of my assertion: the jury, without any difficulty, found the publisher guilty: what, then, has wrought so sudden a change in the temper and disposition of the people, that they now countenance the most audacious and wicked libels? In so short a time they cannot have become absolutely corrupt. What, then, is the cause of this strange phænomenon? Are the courts of justice depraved and impure, and do they out of spite and malice contradict and oppose them? I hope not; I hope they are unimpeachable. I believe, nay I know, the scandalous reports which are circulated to be ill founded.

Where, then, Sir, shall we look for the origin of this relaxation of the laws and of all government? How comes this Junius to have broke through the cobwebs of the law, and to range uncontrouled, unpunished, through the land? The myrmidons of the court have been long, and are still, pursuing him in vain. They will not spend their time upon me, or you, or you: no; they disdain such vermin, when the mighty boar of the forest, that has broke through all their toils, is before them. But, what will all their efforts avail? No sooner has he wounded one, than he lays down another dead at his feet. For my part, when I saw his attack upon the King, I own my blood ran cold. I thought he had ventured too far, and that there was an end of his triumphs; not that he had not asserted many truths. Yes, Sir, there are in that composition many bold truths by which a wise prince might profit. It was the rancour and venom with which I was struck. In these respects the North Briton is as much inferior to him, as in strength, wit, and judgment. But while I expected from this daring flight his final ruin and fall, behold him rising still higher, and coming down souse upon both Houses of parliament. Yes, he did make you his quarry, and you still bleed from the wounds of his talons. You crouched, and still crouch

beneath his rage. Nor has he dreaded the terrors of your brow, Sir; he has attacked even you — he has — and I believe you have no reason to triumph in the encounter. In short, after carrying away our royal eagle in his pounces, and dashing him against a rock, he has laid you prostrate. King, Lords, and Commons, are but the sport of his fury. Were he a member of this house, what might not be expected from his knowledge, his firmness, and integrity! He would be easily known by his contempt of all danger, by his penetration, by his vigour. Nothing would escape his vigilance and activity. Bad ministers could conceal nothing from his sagacity; nor could promises nor threats induce him to conceal any thing from the public.

But why do I dwell upon Junius alone? There are numberless other libellers whom you cannot reach: secure in the protection of the people, they laugh at the terrors of information to scorn. All your messengers of the press, all your tribes of informers, are as much despised as they are detested. What is the cause of this general aversion to law, this universal conspiracy against government? We have seen that it arises neither from the natural depravity of the people, nor from the accidental misbehaviour of our courts of law. What is the conclusion? The whole is chargeable upon administration. The ministers are the grand criminals. It is their malversation and unconstitutional encroachments that have roused up in the nation this spirit of opposition, which tramples under foot all law, order, and decorum. Until they are removed and punished, the land will be nothing but a scene of anarchy and confusion. It is not that I do not approve of the proposed enquiry into the conduct of our judges. Though I believe the reports to be false and groundless, yet as a friend to the judges, as a friend to the people, whose suspicions will thus be removed by approbation, reprehension, or punishment, I cannot help giving it my hearty concurrence. There is a letter directed to one of the judges, which charges him with high crimes. Will you allow that paper to walk abroad without any notice? You have tried every

expedient for quieting the people, but that of removing the offence. Were it only for the sake of experiment, it would be worth your while to try what effect this measure would have upon the public.

In reply to what fell from Mr. De Grey, the Attorney General,

Mr. BURKE said:

Sir; I did not mean to fix a stigma on the character of any particular man. All I wanted to shew was, that there was malice somewhere, and from what I have now heard I find little reason to retract. A pretty satisfactory account, indeed, has been given for Almon's being first tried, and for his not having the other day received sentence. But has any reason been given for his having been tried at all? Has the presumption of malice, that appears upon the face of that transaction, been wiped away by the learned gentleman's rhetoric? No. We have heard much of the legality, equity, and reasonableness of *primâ facie* evidence. If ever applicable, I am sure it is applicable to this case. The *primâ facie* evidence fixes guilt on the prosecutors, and I am satisfied they have not produced contrary evidence to destroy its force. What is the consequence? They must, according to their own law or logic, be condemned. The share that Almon had in the publication of Junius's letter was so small, that no man of common sense can suppose, that he was on that account marked out as an object of punishment. No, Sir, there were other latent causes, neither so specious, nor so ostensible;

——— "manet altâ mente repostum
"Judicium Paridis, spretæque injuria formæ,
"Et genus invisum, et rapti Ganymedis honores."

I appeal to the honour and conscience of the House, whether I do not speak truth. If I do not, I expect to be contradicted. Does any one chuse to rise? No — no one has the front; and I have the pleasure to see that we

have still some grace left amongst us. This is a point that is obvious to the most simple and untutored. Had I been disposed to refine, and to play the metaphysician, my ingenuity, small as it is, would have enabled me to assign no very honourable motives to the quirk, which brought the least culpable first to their trial. Had the original publisher been first tried and acquitted, it was foreseen that common decency would not suffer the other prosecutions to go any further: a circumstance, by which the culprits would save a deal of expence, and certain officers would lose the harvest of their trade. This, and some other points of the like nature I might urge, were I actuated by any malice or personal pique. But I disclaim such unworthy motives. My public conduct shall always be directed by public considerations.

Having said this, I have nothing further to add, but that I see no reason to retract or alter my opinions. I return, therefore, to the three grounds on which I set out, and repeat, that all our present misfortunes are owing to the corruption of the people, to the misconduct of our judges, or to the malversation of our ministry. The absurdity of the first supposition I have explained, I hope, to your satisfaction. The whole blame must consequently fall on the two last, but chiefly on the ministry. The necessary conclusion is, that the ministry ought to be removed, and that the proposed enquiry into the conduct of our judges ought to be adopted.

After a debate which lasted till a late hour, the House divided on Mr. Phipps's motion: Yeas 72: Noes 164.

Mr. Serjeant Glynn's Motion for a Committee to enquire into the Administration of Criminal Justice, and the Proceedings of the Judges in Westminster Hall, in Cases relating to the Liberty of the Press, and the Power and Duties of Juries.

December 6.

THIS day Mr. Serjeant-Glynn moved, "That a committee be appointed to enquire into the administration of criminal justice, and the proceedings of the judges in Westminster Hall, in cases relating to the liberty of the press, and the power and duties of juries." The motion was seconded by Mr. Alderman Oliver, and supported by Sir Joseph Mawbey, Mr. Alderman Sawbridge, Mr. Connel, Mr. Alderman Townshend, Mr. Cornwall, Sir George Savile, Mr. Constantine Phipps, Mr. Thomas Townshend, Mr. Dunning, Mr. Wedderburn, and others. It was principally opposed by Mr. Jenkinson, Mr. Grey Cooper, Lord Clare, Sir Gilbert Elliot, Mr. Fox, Mr. Attorney General De Grey, and Mr. Solicitor General Thurlow.

Mr. Burke said:

Sir; the subject of our present debate is, in my opinion, a matter of a very serious and important nature; and is not therefore to be dismissed without mature deliberation. The learned gentleman who introduced it, boldly arraigns the general conduct of our courts of justice; and the honourable gentleman who seconded him, as boldly arraigns the conduct of a particular judge. Either charge should be alone sufficient to excite our closest attention. What effect, then, ought both in conjunction to produce? They ought to impel us, if not to an enquiry, at least to a minute and elaborate discussion. For what has the mover of the question arraigned? He has arraigned the general principles of jurisprudence now adopted by our judges, and has, in his way, proved them not only unconstitutional, but illegal. He has laid before you two heads of accusa-

tion, two points, in which he conceives the judges have not done their duty. These two points are a rule of law and a rule of evidence authorised, as he asserts, neither by precedent nor by the spirit of liberty. First, he tells you that judges act illegally and unconstitutionally, in directing juries not to take cognizance of the malice or innocence of a culprit's intention in cases of libel; and, secondly, he tells you, that in cases of libel, they act illegally and unconstitutionally in acquainting the jury, that the law infers guilt from the *primâ facie* evidence; a position by which masters become, even in criminal cases, responsible for the conduct of their servants.

Sir, these are the doctrines which the learned gentleman arraigns, and which are now in issue before you. He asserts, that they are not sanctioned by precedent. But here his reading seems not to have been sufficiently extensive. There are precedents, and those too, I fear, of too much weight and authority. You have heard Lord Chief Justice Raymond's words quoted *, and nothing can be more explicit than they are in favour of these doctrines. "What!" you will say, "can these be the doctrines of Lord Raymond, and yet be unknown to the learned Serjeant? Why, it is impossible: a case so much in point could never escape his industry and learning; and, to render the thing certain, he gives the assertion a flat contradiction." But I say, that it is not only possible and probable, but certain, and let me tell you, that the way to overturn the credit of grave and universally esteemed historians, is not to give them a flat contradiction. The most positive asseverations of a modern go for nothing, when they are unsupported by the contradictory testimony of some ancient cotemporary author. Was this heresy then adopted as an article of faith, by Lord Chief Justice Raymond? Yes, Sir, it was; the fact is too clear, too

* See the case of Richard Franklin tried in December 1731, before Lord Chief Justice Raymond: Howell's State Trials, vol. 17. p. 625.

well known to bear dispute. Nor was it an innovation introduced by that great judge: no; he received it as a legacy from still greater judges, and, among the rest, from the very bulwark of the Revolution, Lord Holt.

But what though this opinion has been sanctioned by a series of precedents; what though it has been embraced by men as deep skilled in law and casuistry, as remarkable for inflexible patriotism—have not the greatest lawyers, the profoundest casuists, and the stanchest patriots erred? Why, then, should the judges be thought exempt from the common lot of humanity? Why should they be deemed infallible more than other mortals? Believe me, the wisdom of the whole nation can see farther than the sages of Westminster-hall. In a constitutional point, like this, the collective knowledge and penetration of the people at large are more to be depended on than the boasted discernment of all the bar. The reason is clear. Their eyes are not dazzled by the prospect of an opposite interest. The crown has no lure sufficiently tempting to make them forget themselves, and the general good.

Why then, Sir, should not we on this occasion listen to their voice, as it is heard sufficiently loud and distinct? Because, forsooth, they have no voice! Because their sentiments are only to be gathered from the determinations of the majority of this House! Because, after a general election is closed, they have no legal existence, and have therefore no other mouth but that of their representatives!

Strange doctrine! what then is become of petitioning? Are not the people legally entitled to that right? You cannot deny it without denying the authority of the Bill of Rights. How, then, can you pretend that they have no legal voice but that of their representatives? They have both a real and a legal voice, and they have uttered that voice. Consult the history of the reign of George the Third. In that performance, which will be an everlasting monument of the folly, incapacity, and pernicious politics of our late and present ministers, you will find it demonstrated, that

the majority of Englishmen have petitioned the king, and have consequently expressed their own sentiments by their own mouth, without the intervention of their deputies. By what rule, then, does the majority of this House square its conduct, when it acts in direct opposition to the majority of the people? By that rule of arithmetic, which by its almighty fiat overturned the laws of nature, decreed 296 to be greater than 1146, gave us Colonel Luttrell for John Wilkes, a cuckoo in a magpye's nest to suck its eggs.

Sir, that there should be found gentlemen, who would annihilate the people, and acknowledge no other voice but that of this House, is to me not at all surprizing; because the conduct of the most violent sticklers for this doctrine has not deserved much applause or favour from them. But that they should have renounced reason and common sense, so far as to maintain that the majority of this House is the only organ, by which their sentiments can be expressed, is to me truly surprising. For where, in the name of wonder, should the House acquire the necessary knowledge or intelligence? Is it by turning over these musty volumes, or by rummaging these gaudy boxes which lie on your table? No, Sir, they contain none of these mysteries. How, then, are they to be explored? Is there any virtue or inspiration in these benches or cushions, by which they are communicated? Or does the echo of these walls whisper the secret in your ears? No; but the echo of every other wall, the murmur of every stream, the shouts, aye, and the hoots and hisses of every street in the nation ring it in your ears, and deafen you with their din. "Deafen you," did I say? Alas! you were deaf before, or rather dead, otherwise you would have heard; for their voice is loud enough to awaken almost the dead. For shame, Sir, let us hear no more such weak reasonings and sophistical refinements. Far from producing conviction, they cannot even extort a smile, except peradventure at the author, who resembles a hunter, that would catch an elephant in toils made of cobweb. The people have a

voice of their own, and it must, nay it will be sooner or later heard; and I, as in duty bound, will always exert every nerve and every power of which I am master, to hasten the completion of so desirable an event.

Sir, my reverence for the judges, against whom the popular cry is now so loud, will not deter me; because I know all judges are but men. Not only former judges but former juries have erred. Why not the present? Yes, Sir, juries have erred, and they may err again. When they do, I shall be as ready to enquire into their conduct as I am now into that of the judges. Gentlemen may talk of their great respect for juries, and of their readiness to acquiesce in their determinations; but I am not disposed to be so complaisant. I will make no man nor any set of men a compliment of the constitution. It is too valuable an inheritance to be so lightly relinquished. When the actions of juries are praise-worthy, let them be applauded; when they are criminal, let them be punished. Popularity should not be bought at so high a price.

For my own part, let the malicious and the ungenerous say what they will, I am a blind follower of no man, nor a bond slave to any party. I have always acted according to the best information of my judgment and the clear dictates of my conscience. On this occasion I solemnly protest before God, that I entertain no personal enmity against any man, nor have I any interested schemes to promote. My sole object in supporting the proposed enquiry is the public welfare, and the acquittal of the judges. For I am satisfied that an acquittal will be the consequence. In acting thus, I think myself their best friend; because no other plan will clear their character. Till this step is taken, in vain do they pretend to superior sanctity; in vain do some gentlemen tread their halls as holy ground, or reverence their courts as the temples of the Divinity. To the people they appear the temples of idols and false oracles, or rather as the dwellings of truth and justice, converted into dens of thieves and robbers. For what greater robbers can there be, than those who rob men of

their laws and liberties? No man here has a greater veneration than I have for doctors of the law; and it is for that reason that I would thus render their characters pure and unsullied as the driven snow. But will any of you pretend that this is at present the case? Are not their temples profaned? Has not pollution entered them, and penetrated even to the Holy of Holies? Are not the priests suspected of being no better than those of Bel and the Dragon, or rather of being worse than those of Baal? And has not, therefore, the fire of the people's wrath almost consumed them? The lightning has pierced their sanctuary, and rent the veil of their temple from the top even unto the bottom. Nothing is whole, nothing is sound. The ten tables of the law are shattered and splintered. The ark of the coveriant is lost, and passed into the hands of the uncircumcised. Both they and you are become an abomination unto the Lord. In order to wash away your sins, let Moses and the prophets ascend Mount Sinai, and bring us down the second table of the law in thunders and lightnings; for in thunders and lightnings the constitution was first, and must now, be established. Let the judges mount up to the source of precedents and decisions, and trace the law clear and unpolluted along the stream of time, and the silent lapse of years. Let them march in procession to this House ushered in by a long train of precedents and opinions, and lay them all in a bundle in the middle of this room. Then, and not till then, will they stand justified. Then, and not till then, will you stand justified. In vain do you trust to the virtue of the furred gown, or to the magic of that bauble, as Cromwell truly called it. They confer neither real power, nor, what is often its parent, a fair character. These desirable possessions are acquired by an upright conduct, and the confidence of the people.

The House divided on Mr. Serjeant Glynn's motion: Yeas 76: Noes 184.

SIR GEORGE SAVILE'S MOTION FOR A BILL TO SECURE THE RIGHTS OF ELECTORS.

February 7. 1771.

SIR George Savile moved, "That leave be given to bring in a bill for more effectually securing the rights of the electors of Great Britain, with respect to the eligibility of persons to serve in parliament." In a speech prefatory to his motion, he explained the purport of his intended bill. He had observed, he said, that in the divisions on the Middlesex election, three principles seemed to be started subversive of the constitution. The first was, that the House of Commons could, by its own power, make law. The second, that one determination of the House was such law. The third, that incapacity was the consequence of expulsion. To all these points, as unconstitutional, and against law, he objected; but as the doctrines had, in some degree, been established by the divisions of the Middlesex election, he thought no means could so properly put an end to them as an act of the whole legislature. That, by so doing, he did not mean to have any retrospect to alter the former divisions, but only to prevent them in future. That this proposed bill would, therefore, condemn those propositions.

Mr. BURKE rose and said:

In every complicated constitution (and every free constitution is complicated) cases will arise, when the several orders of the state will clash with one another; and disputes will arise about the limits of their several rights and privileges. It may be almost impossible to reconcile them. * * * *

Carry the principle on, by which you expelled Mr. Wilkes, there is not a man in the House, hardly a man in the nation, who may not be disqualified. That this House should have no power of expulsion is a hazard saying. That this House should have a general discretionary power of disqualification, is a dangerous saying. That the people should not choose their own representative, is a saying

that shakes the constitution. That this House should name the representative, is a saying which, followed by practice, subverts the constitution. They have the right of electing, you have a right of expelling; they of choosing, you of judging, and only of judging, of the choice. What bounds shall be set to the freedom of that choice? Their right is prior to ours, we all originate there. They are the mortal enemies of the House of Commons, who would persuade them to think or to act, as if they were a self-originated magistracy, independent of the people, and unconnected with their opinions and feelings. Under a pretence of exalting the dignity, they undermine the very foundations, of this House. When the question is asked *here*, what disturbs the people, whence all this clamour, we apply to the treasury-bench, and they tell us it is from the efforts of libellers, and the wickedness of the people, a worn-out ministerial pretence. If abroad the people are deceived by popular, within we are deluded by ministerial, cant. The question amounts to this, whether you mean to be a legal tribunal, or an arbitrary and despotic assembly. I see and I feel the delicacy and difficulty of the ground, upon which we stand in this question. I could wish, indeed, that they, who advise the crown, had not left parliament in this very ungraceful distress, in which they can neither retract with dignity nor persist with justice. Another parliament might have satisfied the people without lowering themselves. But our situation is not in our own choice; our conduct in that situation is all that is in our own option. The substance of the question is, to put bounds to your own power by the rules and principles of law. This is, I am sensible, a difficult thing to the corrupt, grasping and ambitious part of human nature. But the very difficulty argues and enforces the necessity of it. First, because the greater the power, the more dangerous the abuse. Since the Revolution at least, the power of the nation has all flowed with a full tide into the House of Commons. Secondly, because the House of Commons, as it is the most powerful, is the most corruptible part of the whole con-

stitution. Our public wounds cannot be concealed; to be cured, they must be laid open. The public does think we are a corrupt body. In our *legislative capacity* we are, in most instances, esteemed a very wise body. In our judicial, we have no credit, no character at all. Our judgments stink in the nostrils of the people. They think us to be not only without virtue, but without shame. Therefore the greatness of our power, and the great and just opinion of our corruptibility and our corruption, render it necessary to fix some bound, to plant some landmark, which we are never to exceed.

This is what the bill proposes. First, on this head, I lay it down as a fundamental rule in the law and constitution of this country, that this House has not by itself alone a legislative authority in any case whatsoever. I know that the contrary was the doctrine of the usurping House of Commons, which threw down the fences and bulwarks of law, which annihilated first the lords, then the crown, then its constituents. But the first thing, that was done on the restoration of the constitution, was to settle this point. Secondly, I lay it down as a rule, that the power of occasional incapacitation, on discretionary grounds, is a legislative power. In order to establish this principle, if it should not be sufficiently proved by being stated, tell me what are the criteria, the characteristics, by which you distinguish between a legislative and juridical act. It will be necessary to state, shortly, the difference between a legislative and a juridical act. A legislative act has no reference to any rule but these two, original justice, and discretionary application. Therefore it can give rights; rights where no rights existed before; and it can ta[illegible] rights where they were before established. For th[illegible]ch binds all others, does not, and cannot, bi[illegible]maker; he, and he alone, is above the law. [illegible] a person exercising a judicial capacity, is neith[illegible]y to original justice, nor to a discretionary applicatio[illegible] it. He goes to justice and discretion only at second hand, and through the medium of some superiors. He is to work neither upon

his opinion of the one nor of the other; but upon a fixed rule, of which he has not the making, but singly and solely the *application* to the case.

The power assumed by the House neither is, nor can be, judicial power exercised according to known law. The properties of law are, first, that it should be known; secondly, that it should be fixed, and not occasional. First, this power cannot be according to the first property of law; because no man does or can know it, nor do you yourselves know upon what grounds you will vote the incapacity of any man. No man in Westminster-hall, or in any court upon earth, will say that is law, upon which, if a man going to his counsel should say to him, What is my tenure in law of this estate? he would answer, Truly Sir, I know not; the court has no rule but its own discretion; they will determine. It is not a fixed law — because you profess you vary it according to the occasion, exercise it according to your discretion; no man can call for it as a right. It is argued, that the incapacity is not originally voted, but a consequence of a power of expulsion: but if you expel, not upon legal, but upon arbitrary, that is, upon discretionary grounds, and the incapacity is *ex vi termini* and inclusively comprehended in the expulsion, is not the incapacity voted in the expulsion? Are they not convertible terms? And if incapacity is voted to be inherent in expulsion, if expulsion be arbitrary, incapacity is arbitrary also. I have therefore shown that the power of incapacitation is a legislative power; I have shown that legislative power does not belong to the House of Commons; and therefore it follows, that the House of Commons has not a power of incapacitation.

I know not the ori[illegible]e House of Commons, but am very sure that [illegible]reate itself; the electors were prior to the elected [illegible]ights originated either from the people at large, [illegible]ome other form of legislature, which never could int[illegible]or the chosen a power of superseding the choosers.

If you have not a power of declaring an incapacity simply by the mere act of declaring it, it is evident to the most ordinary reason you cannot have a right of expulsion, inferring, or rather including, an incapacity. For as the law, when it gives any direct right, gives also as necessary incidents all the means of acquiring the possession of that right, so where it does not give a right directly, it refuses all the means, by which such a right may by any mediums be exercised, or in effect be indirectly acquired. Else it is very obvious, that the intention of the law in refusing that right might be entirely frustrated, and the whole power of the legislature baffled. If there be no certain invariable rule of eligibility, it were better to get simplicity, if certainty is not to be had; and to resolve all the franchises of the subject into this one short proposition — the will and pleasure of the House of Commons.

The argument, drawn from the courts of law applying the principles of law to new cases as they emerge, is altogether frivolous, inapplicable, and arises from a total ignorance of the bounds between civil and criminal jurisdiction, and of the separate maxims, that govern these two provinces of law, that are eternally separate. Undoubtedly the courts of law, where a new case comes before them, as they do every hour, then, that there may be no defect in justice, call in similar principles, and the example of the nearest determination, and do every thing to draw the law to as near a conformity to general equity and right reason, as they can bring it with its being a fixed principle. *Boni judicis est ampliare justitiam* — that is, to make open and liberal justice. But in criminal matters this parity of reason, and these analogies, ever have been, and ever ought to be, shunned.

Whatever is incident to a court of judicature *is* necessary to the House of Commons, as judging in elections. But a power of making incapacities is not necessary to a court of judicature — therefore a power of making incapacities is not necessary to the House of Commons.

Incapacity, declared by whatever authority, stands upon two principles. First, an incapacity arising from the supposed incongruity of two duties in the commonwealth. Secondly, an incapacity arising from unfitness by infirmity of nature, or the criminality of conduct. As to the first class of incapacities, they have no *hardship* annexed to them. The persons so incapacitated are paid by one dignity for what they abandon in another, and for the most part, the situation arises from their own choice. But as to the second, arising from an unfitness not fixed by nature, but superinduced by some positive acts, or arising from honourable motives, such as an occasional personal disability, of all things it ought to be defined by the fixed rule of law — what Lord Coke calls, the Golden Metwand of the Law, and not by the crooked cord of discretion. Whatever is general is better born. We take our common lot with men of the same description. But to be selected and marked out by a particular brand of unworthiness among our fellow-citizens, is a lot of all others the hardest to be born; and consequently is of all others that act, which ought only to be trusted to the legislature, as not only *legislative* in its nature, but of all parts of legislature the most odious. The question is over if this is shown not to be a legislative act. But what is very usual and natural, is to corrupt judicature into legislature. On this point it is proper to inquire whether a court of judicature, which decides without appeal, has it as a necessary incident of such judicature, that whatever it decides is *de jure* law. Nobody will, I hope, assert this, because the direct consequence would be the entire extinction of the difference between true and false judgments. For if the judgment makes the law, and not the law directs the judgment, it is impossible there should be such a thing as an illegal judgment given.

But instead of standing upon this ground, they introduce another question, wholly foreign to it, whether it ought not to be submitted to as if it were law. And then the question is, — by the constitution of this country what

degree of submission is due to the authoritative acts of a limited power? This question of submission, determine it how you please, has nothing to do in this discussion, and in this House. Here it is not, how long the people are bound to tolerate the illegality of our judgments, but whether we have a right to substitute our occasional opinion in the place of law; so as to deprive the citizen of his franchise. * * * * * *

The House divided on Sir George Savile's motion: Yeas 103: Noes 167.

BILL FOR EXPLAINING THE POWERS OF JURIES IN PROSECUTIONS FOR LIBELS.

March 7.

THIS day, Mr. Dowdeswell moved, "That leave be given to bring in a bill for settling doubts and controversies concerning the right of jurors, in trials of persons prosecuted for writing, printing, and publishing libels, and for securing to the subject the effectual and complete benefit of trial by juries in such cases." He observed, that as doubts had arisen in the people's minds respecting the power of juries in cases of libel; to remove those doubts, he should propose an enacting bill, to put an end to those doubts and controversies upon that subject, which had unhappily distracted our courts; but that if gentlemen liked a declaratory bill better, he had left the matter open. He then read his enacting bill, as follows:—"Whereas doubts and controversies have arisen at various times concerning the right of jurors to try the whole matter laid in indictments and informations for seditious and other libels; and whereas trials by juries would be of none or imperfect effect if the jurors were not held to be competent to try the whole matter aforesaid, for settling and clearing such doubts and controversies, and for securing to the subject the effectual and complete benefit of

trial by juries in such indictments and informations: be it enacted, &c. That jurors duly impanelled and sworn to try the issue between the king and the defendant upon any indictment or information for a seditious libel, or a libel under any other denomination or description, shall be held and reputed competent to all intents and purposes, in law and in right, to try every part of the matter laid or charged in the said indictment or information, comprehending the criminal intention of the defendant and the civil tendency of the libel charged, as well as the mere fact of the publication thereof, and the application by inuendo of blanks, initial letters, pictures, and other devices; any opinion, question, ambiguity, or doubt, to the contrary notwithstanding." — The motion was seconded by Sir George Savile. Upon this occasion,

Mr. BURKE spoke as follows:

Sir; I have always understood, that a superintendence over the doctrines, as well as the proceedings, of the courts of justice, was a principal object of the constitution of this House; that you were to watch at once over the lawyer and the law; that there should be an orthodox faith as well as proper works: and I have always looked with a degree of reverence and admiration on this mode of superintendence. For being totally disengaged from the detail of juridical practice, we come something, perhaps, the better qualified, and certainly much the better disposed to assert the genuine principle of the laws; in which we can, as a body, have no other than an enlarged and a public interest. We have no common cause of a professional attachment, or professional emulations, to bias our minds; we have no foregone opinions, which from obstinacy and false point of honour we think ourselves at all events obliged to support. So that with our own minds perfectly disengaged from the exercise, we may superintend the execution, of the national justice; which from this circumstance is better secured to the people than in any other country under heaven it can be. As our situation puts us in a proper condition, our power enables us to execute this trust. We may, when we see cause of complaint, administer a

remedy; it is in our choice by an address to remove an improper judge, by impeachment before the peers to pursue to destruction a corrupt judge, or by bill to assert, to explain, to enforce, or to reform the law, just as the occasion and necessity of the case shall guide us. We stand in a situation very honourable to ourselves, and very useful to our country, if we do not abuse or abandon the trust that is placed in us.

The question now before you is upon the power of juries in prosecuting for libels. There are four opinions. 1. That the doctrine as held by the courts is proper and constitutional, and therefore should not be altered. 2. That it is neither proper nor constitutional, but that it will be rendered worse by your interference. 3. That it is wrong, but that the only remedy is a bill of retrospect. 4. The opinion of those, who bring in the bill; that the thing is wrong, but that it is enough to direct the judgment of the court in future.

The bill brought in is for the purpose of asserting and securing a great object in the juridical constitution of this kingdom; which from a long series of practices and opinions in our judges has in one point, and in one very essential point, deviated from the true principle.

It is the very ancient privilege of the people of England, that they shall be tried, except in the known exceptions, not by judges appointed by the crown, but by their own fellow-subjects, the peers of that county court, at which they owe their suit and service; and out of this principle the trial by juries has grown. This principle has not, that I can find, been contested in any case, by any authority whatsoever; but there is one case, in which, without directly contesting the principle, the whole substance, energy, and virtue of the privilege, is taken out of it; that is, in the case of a trial by indictment or information for a libel. The doctrine in that case, laid down by several judges, amounts to this; that the jury have no competence where a libel is alleged, except to find the gross corporeal facts of the writing and the publication, together

with the identity of the things and persons, to which it refers; but that the intent and the tendency of the work, in which intent and tendency the whole criminality consists, is the sole and exclusive province of the judge. Thus having reduced the jury to the cognizance of facts, not in themselves presumptively criminal, but actions neutral and indifferent, the whole matter, in which the subject has any concern or interest, is taken out of the hands of the jury: and if the jury take more upon themselves, what they so take is contrary to their duty; it is no moral, but a merely natural power; the same by which they may do any other improper act, the same by which they may even prejudice themselves with regard to any other part of the issue before them. Such is the matter, as it now stands, in possession of your highest criminal courts, handed down to them from very respectable legal ancestors. If this can once be established in this case, the application in principle to other cases will be easy; and the practice will run upon a descent, until the progress of an encroaching jurisdiction (for it is in its nature to encroach when once it has passed its limits) coming to confine the juries, case after case, to the corporeal fact, and to that alone, and excluding the intention of mind, the only source of merit and demerit, of reward or punishment, juries become a dead letter in the constitution.

For which reason it is high time to take this matter into the consideration of parliament; and for that purpose it will be necessary to examine, first, whether there is any thing in the peculiar nature of this crime, that makes it necessary to exclude the jury from considering the intention in it, more than in others. So far from it, that I take it to be much less so from the analogy of other criminal cases, where no such restraint is ordinarily put upon them. The act of homicide is *primâ facie* criminal. The intention is afterwards to appear, for the jury to acquit or condemn. In burglary do they insist that the jury have nothing to do but to find the taking of goods, and that if they do, they must necessarily find the party guilty, and

leave the rest to the judge; and that they have nothing to do with the word *felonicè* in the indictment?

The next point is to consider it as a question of constitutional policy; that is, whether the decision of the question of libel ought to be left to the judges as a presumption of law, rather than to the jury as matter of popular judgment, as the malice in the case of murder; the felony in the case of stealing. If the intent and tendency are not matters within the province of popular judgment, but legal and technical conclusions, formed upon general principles of law, let us see what they are. Certainly they are most unfavourable, indeed totally adverse, to the constitution of this country.

Here we must have recourse to analogies; for we cannot argue on ruled cases one way or the other. See the history. The old books, deficient in general in crown cases, furnish us with little on this head. As to the crime, in the very early Saxon law, I see an offence of this species, called Folk-leasing, made a capital offence, but no very precise definition of the crime, and no trial at all: see the statute of 3d Edward I. cap. 34. The law of libels could not have arrived at a very early period in this country. It is no wonder that we find no vestige of any constitution from authority, or of any deductions from legal science in our old books and records upon that subject. The statute of *scandalum magnatum* is the oldest that I know, and this goes but a little way in this sort of learning. Libelling is not the crime of an illiterate people. When they were thought no mean clerks, who could read and write; when he who could read and write was presumptively a person in holy orders, libels could not be general, or dangerous; and scandals merely oral could spread little, and must perish soon. It is writing, it is printing more emphatically, that imps calumny with those eagle wings, on which, as the poet says, "immortal slanders fly." By the press they spread, they last, they leave the sting in the wound. Printing was not known in England much earlier than the reign of Henry VII., and in the third year of that reign the

Court of Star Chamber was established. The press and its enemy are nearly coeval. As no positive law against libels existed, they fell under the indefinite class of misdemeanors. For the trial of misdemeanors that court was instituted; their tendency to produce riots and disorders was a main part of the charge, and was laid, in order to give the court jurisdiction, chiefly against libels. The offence was new. Learning of their own upon the subject they had none; and they were obliged to resort to the only emporium, where it was to be had, the Roman law. After the Star Chamber was abolished in the 10th of Charles I., its authority indeed ceased, but its maxims subsisted and survived it. The spirit of the Star Chamber has transmigrated and lived again; and Westminster-hall was obliged to borrow from the Star Chamber, for the same reasons as the Star Chamber had borrowed from the Roman Forum, because they had no law, statute, or tradition, of their own. Thus the Roman law took possession of our courts; I mean its doctrine, not its sanctions; the severity of capital punishment was omitted, all the rest remained. The grounds of these laws are just and equitable. Undoubtedly the good fame of every man ought to be under the protection of the laws, as well as his life, and liberty and property. Good fame is an out-work that defends them all, and renders them all valuable. The law forbids you to revenge; when it ties up the hands of some, it ought to restrain the tongues of others. The good fame of government is the same; it ought not to be traduced. This is necessary in all government; and if opinion be support, what takes away this destroys that support; but the liberty of the press is necessary to this government.

The wisdom, however, of government is of more importance than the laws. I should study the temper of the people before I ventured on actions of this kind. I would consider the whole of the prosecution of a libel of such importance as Junius, as one piece, as one consistent plan of operations; and I would contrive it so, that, if I were

defeated, I should not be disgraced; that even my victory should not be more ignominious than my defeat; I would so manage, that the lowest in the predicament of guilt should not be the only one in punishment. I would not inform against the mere vender of a collection of pamphlets. I would not put him to trial first, if I could possibly avoid it. I would rather stand the consequences of my first error, than carry it to a judgment, that must disgrace my prosecution, or the court. We ought to examine these things in a manner which becomes ourselves, and becomes the object of the enquiry; not to examine into the most important consideration, which can come before us, with minds heated with prejudice, and filled with passions, with vain popular opinions and humours; and when we propose to examine into the justice of others, to be unjust ourselves.

An enquiry is wished, as the most effectual way of putting an end to the clamours and libels, which are the disorder and disgrace of the times. For people remain quiet, they sleep secure, when they imagine that the vigilant eye of a censorial magistrate watches over all the proceedings of judicature; and that the sacred fire of an eternal constitutional jealousy, which is the guardian of liberty, law, and justice, is alive night and day, and burning in this House. But when the magistrate gives up his office and his duty, the people assume it, and they enquire too much, and too irreverently, because they think their representatives do not enquire at all.

We have in a libel, 1st, The writing. 2d, The communication, called by the lawyers the publication. 3d, The application to persons and facts. 4th, The intent and tendency. 5th, The matter,—diminution of fame. The law-presumptions on all these are in the communication. No intent can make a defamatory publication good, nothing can make it have a good tendency; truth is not pleadable. Taken juridically the foundation of these law-presumptions is not unjust; taken constitutionally they are ruinous, and tend to the total suppression of all publication. If juries

are confined to the fact, no writing, which censures, however justly, or however temperately, the conduct of administration, can be unpunished. Therefore if the intent and tendency be left to the judge, as legal conclusions growing from the fact, you may depend upon it you can have no public discussion of a public measure; which is a point which even those, who are most offended with the licentiousness of the press (and it is very exorbitant, very provoking,) will hardly contend for.

So far as to the first opinion, that the doctrine is right and needs no alteration. 2. The next is, that it is wrong, but that we are not in a condition to help it. I admit it is true, that there are cases of a nature so delicate and complicated, that an act of parliament on the subject may become a matter of great difficulty. It sometimes cannot define with exactness; because the subject-matter will not bear an exact definition. It may seem to take away every thing, which it does not positively establish, and this might be inconvenient; or it may seem, *vice versa*, to establish every thing, which it does not expressly take away. It may be more advisable to leave such matters to the enlightened discretion of a judge, awed by a censorial House of Commons. But then it rests upon those, who object to a legislative interposition, to prove these inconveniences in the particular case before them. For it would be a most dangerous, as it is a most idle and most groundless, conceit to assume as a general principle, that the rights and liberties of the subject are impaired by the care and attention of the legislature to secure them. If so, very ill would the purchase of Magna Charta have merited the deluge of blood, which was shed in order to have the body of English privileges defined by a positive written law. This charter, the inestimable monument of English freedom, so long the boast and glory of this nation, would have been at once an instrument of our servitude, and a monument of our folly, if this principle were true. The thirty-four confirmations would have been only so many repetitions of

their absurdity, so many new links in the chain, and so many invalidations of their right.

You cannot open your statute book without seeing positive provisions relative to every right of the subject. This business of juries is the subject of not fewer than a dozen. To suppose that juries are something innate in the constitution of Great Britain, that they have jumped, like Minerva, out of the head of Jove in complete armour, is a weak fancy supported neither by precedent nor by reason. Whatever is most ancient and venerable in our constitution, royal prerogative, privileges of parliament, rights of elections, authority of courts, juries, must have been modelled according to the occasion. I spare your patience, and I pay a compliment to your understanding, in not attempting to prove that any thing so elaborate and artificial as a jury was not the work of chance, but a matter of institution brought to its present state by the joint efforts of legislative authority and juridical prudence. It need not be ashamed of being (what in many parts of it at least it is) the offspring of an act of parliament, unless it is a shame for our laws to be the results of our legislature. Juries, which sensitively shrink from the rude touch of parliamentary remedy, have been the subject of not fewer than, I think, 43 acts of parliament, in which they have been changed with all the authority of a creator over its creature, from Magna Charta to the great alterations which were made in the 29th of George II.

To talk of this matter in any other way is to turn a rational principle into an idle and vulgar superstition, like the antiquary, Dr. Woodward, who trembled to have his shield scoured for fear it should be discovered to be no better than an old pot-lid. This species of tenderness to a jury puts me in mind of a gentleman of good condition, who had been reduced to great poverty and distress; application was made to some rich fellows in his neighbourhood to give him some assistance; but they begged to be excused for fear of affronting a person of his high birth; and so the poor gentleman was left to starve out of pure respect to

the antiquity of his family. From this principle has arisen an opinion, that I find current amongst gentlemen, that this distemper ought to be left to cure itself; that the judges having been well exposed, and something terrified on account of these clamours, will entirely change, if not very much relax from their rigour; if the present race should not change, that the chances of succession may put other more constitutional judges in their place; lastly, if neither should happen, yet that the spirit of an English jury will always be sufficient for the vindication of its own rights, and will not suffer itself to be overborne by the bench. I confess that I totally dissent from all these opinions. These suppositions become the strongest reasons with me to evince the necessity of some clear and positive settlement of this question of contested jurisdiction. If judges are so full of levity, so full of timidity, if they are influenced by such mean and unworthy passions, that a popular clamour is sufficient to shake the resolution they build upon the solid basis of a legal principle, I would endeavour to fix that mercury by a positive law. If to please an administration the judges can go one way to-day, and to please the crowd they can go another to-morrow; if they will oscillate backward and forward between power and popularity, it is high time to fix the law in such a manner as to resemble, as it ought, the great Author of all law, in whom there is no variableness nor shadow of turning.

As to their succession, I have just the same opinion. I would not leave it to the chances of promotion, or to the characters of lawyers, what the law of the land, what the rights of juries, or what the liberty of the press should be. My law should not depend upon the fluctuation of the closet, or the complexion of men. Whether a black-haired man or a fair-haired man presided in the court of King's Bench, I would have the law the same; the same, whether he was born in *domo regnatrice*, and sucked from his infancy the milk of courts, or was nurtured in the rugged discipline of a popular opposition. This law of court cabal and of party, this '*mens quædam nullo per-*

turbata effectu,' this law of complexion, ought not be endured for a moment in a country, whose being depends upon the certainty, clearness, and stability of institutions.

Now I come to the last substitute for the proposed bill, the spirit of juries operating their own jurisdiction. This I confess I think the worst of all, for the same reasons on which I objected to the others; and for other weighty reasons besides, which are separate and distinct. First, because juries, being taken at random out of a mass of men infinitely large, must be of characters as various as the body they arise from is large in its extent. If the judges differ in their complexions, much more will a jury. A timid jury will give way to an awful judge delivering oracularly the law, and charging them on their oaths, and putting it home to their consciences, to beware of judging, where the law had given them no competence. We know that they will do so, they have done so in an hundred instances; a respectable member of your own House, no vulgar man, tells you that on the authority of a judge he found a man guilty, in whom at the same time he could find no guilt. But supposing them full of knowledge and full of manly confidence in themselves, how will their knowledge, or their confidence, inform or inspirit others? They give no reason for their verdict, they can but condemn or acquit: and no man can tell the motives on which they have acquitted or condemned. So that this hope of the power of juries to assert their own jurisdiction must be a principle blind, as being without reason, and as changeable as the complexion of men, and the temper of the times.

But after all, is it fit that this dishonourable contention between the court and juries should subsist any longer? On what principle is it that a jury refuses to be directed by the court as to its competence? Whether a libel or no libel be a question of law or of fact may be doubtful, but a question of jurisdiction and competence is certainly a question of law; on this the court ought undoubtedly to judge, and to judge solely and exclusively. If they judge wrong from excusable error, you ought to correct it, as to-

day it is proposed, by an explanatory bill; or if by corruption, by bill of penalties declaratory, and by punishment. What does a juror say to a judge when he refuses his opinion upon a question of judicature? You are so corrupt, that I should consider myself a partaker of your crime; were I to be guided by your opinion; or you are so grossly ignorant, that I, fresh from my hounds, from my plough, my counter, or my loom, am fit to direct you in your own profession. This is an unfitting, it is a dangerous state of things. The spirit of any sort of men is not a fit rule for deciding on the bounds of their jurisdiction. First, because it is different in different men, and even different in the same at different times, and can never become the proper directing line of law: next, because it is not reason, but feeling; and when once it is irritated, it is not apt to confine itself within its proper limits. If it becomes not difference in opinion upon law, but a trial of spirit between parties, our courts of law are no longer the temple of justice, but the amphitheatre for gladiators. No —God forbid! Juries ought to take their law from the bench only; but it is our business that they should hear nothing from the bench but what is agreeable to the principles of the constitution. The jury are to hear the judge; the judge is to hear the law where it speaks plain; where it does not, he is to hear the legislature. As I do not think these opinions of the judges to be agreeable to those principles, I wish to take the only method in which they can or ought to be corrected, by bill.

Next, my opinion is, that it ought to be rather by a bill for removing controversies, than by a bill in the state of manifest and express declaration, and in words *de præterito*. I do this upon reasons of equity and constitutional policy. I do not want to censure the present judges. I think them to be excused for their error. Ignorance is no excuse for a judge; it is changing the nature of his crime; it is not absolving. It must be such error as a wise and conscientious judge may possibly fall into, and must arise from one or both these causes:— 1. A plau-

sible principle of law. 2. The precedents of respectable authorities, and in good times. In the first, the principle of law, that the judge is to decide on law, the jury to decide on fact, is an ancient and venerable principle and maxim of the law; and if supported in this application by precedents of good times and of good men, the judge, if wrong, ought to be corrected; he ought not to be reproved, or to be disgraced, or the authority or respect to your tribunals to be impaired. In cases, in which declaratory bills have been made, where, by violence and corruption, some fundamental part of the constitution has been struck at; where they would damn the principle, censure the persons, and annul the acts — but where the law having been by the accident of human frailty depraved, or in a particular instance misunderstood, where you neither mean to rescind the acts nor to censure the persons, in such cases you have taken the explanatory mode, and, without condemning what is done, you direct the future judgment of the court.

All bills for the reformation of the law must be according to the subject-matter, the circumstances, and the occasion, and are of four kinds. — 1. Either the law is totally *wanting, and* then a new enacting statute must be made to supply that want. Or, 2. It is defective, then a new law must be made to enforce it. 3. Or it is opposed by power or fraud, and then an act must be made to declare it. 4. Or it is rendered doubtful and controverted, and then a law must be made to explain it. These must be applied according to the exigence of the case; one is just as good as another of them. Miserable indeed would be the resources, poor and unfurnished the stores and magazines of legislation, if we were bound up to a little narrow form, and not able to frame our acts of parliament according to every disposition of our own minds, and to every possible emergency of the commonwealth; to make them declaratory, enforcing, explanatory, repealing, just in what mode or in what degree we please.

Those who think that the judges living and dead are to

be condemned; that your tribunals of justice are to be dishonoured; that their acts and judgments on this business are to be rescinded; they will undoubtedly vote against this bill, and for another sort.

I am not of the opinion of those gentlemen who are against disturbing the public repose; I like a clamour whenever there is an abuse. The fire-bell at midnight disturbs your sleep, but it keeps you from being burned in your bed. The hue and cry alarms the county, but it preserves all the property of the province. All these clamours aim at redress. But a clamour made merely for the purpose of rendering the people discontented with their situation, without an endeavour to give them a practical remedy, is indeed one of the worst acts of sedition.

I have read and heard much upon the conduct of our courts in the business of libels. I was extremely willing to enter into, and very free to act, as facts should turn out on that inquiry, aiming constantly at remedy as the end of all clamour, all debate, all writing, and all inquiry; for which reason I did embrace, and do now with joy, this method of giving quiet to the courts, jurisdiction to juries, liberty to the press, and satisfaction to the people. I thank my friends for what they have done; I hope the public will one day reap the benefit of their pious and judicious endeavours. They have now sown the seed; I hope they will live to see the flourishing harvest. Their bill is sown in weakness, it will, I trust, be reaped in power. And then, however we shall have reason to apply to them what my Lord Coke says was an aphorism continually in the mouth of a great sage of the law, "Blessed be not the complaining tongue, but, blessed be the amending hand."*

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* An incorrect report of this Speech having appeared in the Public Advertiser of the 13th of March 1771, Mr. Burke wrote the following Letter to the Editor of one of the public Journals.

"An improper and injurious account of the Bill brought into the House of Commons by Mr. Dowdeswell has lately appeared in one of the public papers. I am not at all surprised at it; as I am not a stranger to the views and politics of those who have caused it to be inserted.

The question of adjournment being put upon Mr. Dowdeswell's motion, the House divided: Yeas, 218: Noes, 72. So it was resolved in the affirmative, and the House adjourned.

"Mr. Dowdeswell did *not bring in an enacting bill to give to juries*, as the account expresses it, *a power to try law and fact in matter of libel*. Mr. Dowdeswell brought in a bill to put an end to those doubts and controversies upon that subject, which have unhappily distracted our courts, to the great detriment of the public, and to the great dishonour of the national justice.

"That it is the province of the jury, in informations and indictments for libels, to try nothing more than the fact of the composing, and of the publishing averments and innuendos, is a doctrine held at present by all the judges of the King's Bench, probably by most of the judges of the kingdom. The same doctrine has been held pretty uniformly since the Revolution; and it prevails more or less with the jury according to the degree of respect with which they are disposed to receive the opinions of the bench.

"This doctrine, which, when it prevails, tends to annihilate the benefits of trial by jury; and when it is rejected by juries tends to weaken and disgrace the authority of the judges, is not a doctrine proper for an English judicature. For the sake both of judge and jury the controversy ought to be quieted, and the law ought to be settled in a manner clear, definitive, and constitutional, by the only authority competent to it, the authority of the legislature.

"Mr. Dowdeswell's bill was brought in for that purpose. It gives to the jury no *new* powers; but, after reciting the doubts and controversies (which nobody denies actually to subsist), and after stating that, if juries are not reputed competent to try the whole matter, the benefit of trial by jury will be of none, or imperfect, effect, it enacts, not that the jury *shall* have the *power*, but that they shall be *held and reputed in law and right competent*, to try the whole matter laid in the information. The bill is directing to the judges concerning the opinion in law, which they are known to hold upon this subject; and does not in the least imply that the jury were to derive a new right and power from that bill, if it should have passed into an act of parliament. The implication is directly the contrary; and is as strongly conveyed as it is possible for those to do, who state a doubt and controversy, without charging with criminality those persons who so doubted and so controverted.

"Such a style is frequent in acts of this nature; and is that only which is suited to the occasion. An insidious use has been made of the words *enact* and *declare*, as if they were formal and operative words of force to distinguish different species of laws producing dif-

Clerical Petition for Relief from Subscription to the Thirty-Nine Articles.

February 6. 1772.

THIS day Sir William Meredith moved for leave to present a Petition from certain of the clergy of the church of England, and certain of the professions of civil law and physic,

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ferent effects. Nothing is more groundless; and I am persuaded no lawyer will stand to such an assertion. The gentlemen who say that a bill ought to have been brought in upon the principle, and in the style of the Petition of Right and Declaration of Right, ought to consider how far the circumstances are the same in the two cases; and how far they are prepared to go the whole lengths of the reason of those remarkable laws. Mr. Dowdeswell and his friends are of opinion that the circumstances are not the same, and that therefore the bill ought not to be the same.

"It has been always disagreeable to the persons who compose that connexion to engage wantonly in a paper war, especially with gentlemen for whom they have an esteem, and who seem to agree with them in the great grounds of their public conduct: but they can never consent to purchase any assistance from any persons by the forfeiture of their own reputation. They respect public opinion; and therefore, whenever they shall be called upon, they are ready to meet their adversaries, as soon as they please, before the tribunal of the public, and there to justify the constitutional nature and tendency, the propriety, the prudence, and the policy of their bill. They are equally ready to explain and to justify all their proceedings in the conduct of it; equally ready to defend their resolution to make it one object (if ever they should have the power) in a plan of public reformation.

"Your correspondent ought to have been satisfied with the assistance which his friends have lent to administration in defeating that bill. He ought not to make a feeble endeavour (I dare say much to the displeasure of those friends) to disgrace the gentleman who brought it in. A measure proposed by Mr. Dowdeswell, seconded by Sir George Savile, and supported by their friends, will stand fair with the public, even though it should have been opposed by that list of names (respectable names I admit), which have been printed with so much parade and ostentation in your paper.

praying for relief from the subscription to the Thirty-nine Articles. Sir William read the petition, and spoke warmly in its behalf. He was supported by Lord George Germain, Mr. Thomas Pitt, Lord John Cavendish, Mr. Thomas Townshend, Sir George Savile, Mr. Solicitor-General Wedderburn, and Mr. Dunning. The speakers on the opposite side were Sir Roger Newdigate, Mr. Fitzmaurice, Lord Folkestone, Mr. Byrne, Lord North, Mr. Fox, Mr. Burke, Mr. Dyson, Mr. Jenkinson, and Mr. Hans Stanley.

Mr. BURKE said:

Mr. Speaker; before I enter into the merits of this question, allow me to correct some mistakes into which the opposers of the petition have fallen. We are told that the Act of Union is irreversible in any point, and that in the present case it is eternally binding. I will readily own, that so solemn and so important an act is not to be altered without weighty reasons. But then I can never agree that it is, like the laws of the Medes and Persians, absolutely irreversible. The power of rectifying the most sacred laws must, by the very nature of things, be vested in the legislature; because every legislature must be supreme and omnipotent with respect to the law, which is its own creature. I will not indeed say that, if an alteration in the church of Scotland were proposed, prudential considerations ought not to render us very cautious how we exerted this power. Perhaps it might be necessary once more to assemble the parliament of Scotland to effect so great a purpose. Scotland, sensible of its future weakness in parlia-

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" It is not true that Mr. Burke spoke in praise of Lord Mansfield. If he had found any thing in Lord Mansfield praiseworthy, I fancy he is not disposed to make an apology to any body for doing justice. Your correspondent's reason for asserting it is visible enough; and it is altogether in the strain of other misrepresentations. That gentleman spoke decently of the judges, and he did no more: most of the gentlemen, who debated on both sides, held the same language; and nobody will think their zeal the less warm or the less effectual, because it is not attended with scurrility and virulence."

ment, in consequence of the few representatives then allotted it, seems to have intended that no change should ever after take place either in its laws or religion. But how are we restrained from making innovations and improvements in our own system? The same argument is not applicable to our case. We are not concluded by the act; its words are general, and insist only on the preservation of the religion established by law. But you will say that the king has sworn to preserve the same religion established by law, and that therefore he can never give his consent to any innovation. What a futile argument! The king only swears to adhere to what is the obvious meaning, to preserve that religion which has the sanction of his parliament. Now will not the system proposed by the petitioners be the religion by law established, if it passes through the three branches of the legislature? Our ancestors were neither so bigotted nor so ill-informed as to leave no door open for reformation. Certainly Scotland did not then look upon the church of England as absolutely perfect; and I am much mistaken if it has yet altered its sentiments. Let us then hear no more of these arguments. The Union has not precluded the possibility of a change in either our civil or ecclesiastical establishments; nor is the king bound by his oath not to listen to the restitution of the purity of the Gospel and primitive Christianity.

Having thus far paved my way, and borne witness to what I think the truth, I must solicit the indulgence of the House, while I speak to the only points which can admit of debate, the practicability of the scheme suggested by the petitioners, and the necessity of subscription. The petitioners, whose virtue and honour I will not question, because I really think them honest and conscientious men; the petitioners, I say, Sir, complain of the Articles as infringing the right of private judgment, and usurping the place of the Scriptures. But how can this be the case, when they are at this moment exercising the right of private judgment, and denying their conformity to the word of God? They have not, it is true, pointed out any hete-

rodox articles; but what is more, they have made a general charge against the whole creed of articles. After this proof of the latitude of private opinion allowed by our church, it is absurd and ridiculous to complain of restraints in that respect. It is not a conformity of private but of public opinion, that she requires in teachers. In their closets they may embrace what tenets they please, but for the sake of peace and order, they must inculcate from the pulpit only the religion of the state. Nor does this obligation seem to me any hardship; because, every man must make a sacrifice of something to society; and allow that society of two evils to chuse the least, to impose upon a few individuals perhaps a disagreeable restraint, rather than introduce disorder and confusion into the whole body politic.

Suppose we were inclined to adopt the plan proposed by the petitioners, the next point is to consider its practicability. They would have us exclude all forms and subscriptions, and tests, but the Bible, which they deem not only the proper standard of faith, but the sole confession to which an assent and consent ought to be enforced. Let me then ask them what books they will hold canonical; for there have been debates, and fierce debates too, upon this point. Will they exclude the book of Esdras, which has by some been reprobated? Will they admit the Song of Songs as one of the privileged books, by which they are willing to abide? I should not be surprised to hear them object even to some of the Gospels; for these have not escaped doubt among very respectable sects of Christians. The book of Revelations has been a bone of contention among divines. Do they mean to receive or reject the book of Revelations? The same questions may be put with respect to the Epistles; as some of them have been deemed apocryphal. If they will not retain any or all of these, what will they retain as undoubted repositories of the divine Word? If we begin to shake foundations, all these captious questions will necessarily be agitated, and render it no easy matter to fix any standard of faith.

But let us wave this objection, and suppose that they will take the Scripture now acknowledged by the church of England, as the ultimate criterion of orthodox Christianity, yet will the question be far from a final decision. The Scriptures, to be sure, contain the words of eternal life, and certainly furnish every thing necessary to salvation. Yet the Bible is one of the most miscellaneous books in the world, and exhibits by no means a regular series of dogmas, or a summary of religion proper, on account of its brevity and precision, to be subscribed by a public teacher. The schemes of God are inscrutable; his ways are not our ways, nor his thoughts our thoughts. We must fall down prostrate in reverential silence, nor presume to question his dispensations, nor ask him, Why dost thou so? It is impossible for such poor weak creatures as we are to scan his works, or to scrutinize the conduct of that Being of whom Simonides justly said, that the more he considered his nature the more obscure and incomprehensible the subject became. We are not, however, on this account to discard reason altogether, and to forget the use of that guide which God has given us for our direction. '*Est Deus in nobis*' — 'Tis the Divinity that stirs within us,' when reason lifts up his voice, and points out the path that we should follow. If we would preserve in the church any order, any decorum, any peace, we must have some criterion of faith more brief, more precise and definite than the Scripture for the regulation of the priesthood. If we have not, what will follow? Some clergymen willl explain a passage in the figurative and some in the literal sense; and upon this foundation they will build the most heterogeneous doctrines. Allow me but the liberty of using the figurative meaning, and I will undertake to prove the orthodoxy of transubstantiation, or any other Romish doctrine equally absurd. But how can you prevent this inconvenience, if the only declaration required upon entering into priest's orders be only an assent and consent to the doctrines contained in Scripture? Whether you chuse the figurative or literal sense,

you will fall upon one of the horns of the same dilemma: for another will, from the literal and grammatical meaning, deduce doctrines as ridiculous as any I can possibly deduce from the figurative. What is the result? We must, like all other nations that ever existed, adopt some regular system of subscription. This was the practice among the Jews; this was the practice among the Romans. The former established the priesthood in one family, which regularly followed the same invariable plan that was unalterably ordained by Moses. The Romans had their college of priests, who superintended religious matters, consulted the stars, and the flight of birds, took care of the sacred geese and chickens, opened the Sybilline books and explained their meaning. Yet who were more religious than the Romans, who were tolerating? Methinks we would do well to attend to their institutions. The wisest of politicians and statesmen have recommended it to other nations to copy their example. We have done it in many other instances, and if we are wise, we will not in this deviate from the same plan. We have certainly a right, like every other society, to exact a compliance with whatever doctrines, ceremonies, and forms we establish from those who receive the public money for that very purpose. Were they voluntary labourers in the vineyard, they would have some, though no solid plea; because no man has a right to work in another's ground without leave, and without following the prescribed method. Suffer men of distempered imaginations, who yet believe in Scripture, to become preachers, and you may absolutely exterminate all rational Christianity, and bring disgrace upon the very name. An Anabaptist will make it a matter of conscience to refuse baptism to all your infants. Well, the parents wait till he comes to the years of maturity, and then carry him to the priest in order to partake of this sacrament, and become a member of Christ: but, behold! the Anabaptist is dead, or translated to a better benefice, and a new priest has succeeded, who makes it equally a matter of conscience not to baptize your adults. Hence, a full-grown man

may, upon this plan, drop into the grave, without ever arriving at Christian baptism, and, in the midst of the light of the Gospel, share as bad a fate as if he had lived in the darkness of heathenism. One sacrament being thus exterminated, the road to the extermination of the other is short, natural, and easy; and thus you will be without any visible form of introduction into the great body of Christians.

Nothing therefore can be clearer to me, than that forms of subscription are necessary for the sake of order and decorum and public peace. By a form of subscription, I mean a general standard which obtains throughout the whole community, and not the partial creed of this or that bishop by whom a priest happens to be ordained. Were this rule to take place, how perplexing would be the condition of a clergyman ordained in the diocese of Ely, beneficed in that of Chester, and removed to that of Gloucester? At every removal he would be obliged to change his faith, and like Paul, become all things to all men. I mean an universal system deduced from Scripture, and digested into heads of doctrine like the articles, and that is to be equally binding on priests, deacons, and bishops. In short, I would have a system of religious laws, that would remain fixed and permanent, like our civil constitution, and that would preserve the body ecclesiastical from tyranny and despotism, as much at least as our code of common and statute law does the people in general; for I am convinced that the liberty of conscience contended for by the petitioners would be the forerunner of religious slavery. Men, for the sake of peace and quiet, would be forced to throw themselves into the hands of some dictator, as they did at the Restoration into those of Charles the Second. For my own part, I am no friend to innovations in religion, when the people are not, in consequence of some religious abuse, much aggrieved. That was the case at the Reformation; and then would I have heartily concurred in the alteration at that time made, had I been a member of this House. But had I possessed a vote, when the Directory was going to be

established, I would have divided for the Common Prayer; and, had I lived when the Common Prayer was re-established, I would have voted for the Directory. The reason is obvious. They were not essentially different, neither contained any thing contrary to the Scriptures, or that could shock a rational Christian. The Articles appear to me in the same light. I will therefore vote against the petition.

The following Fragment of Mr. Burke's Speech upon this occasion was found among his papers after his decease.

Mr. BURKE rose and said:

Mr. Speaker; I should not trouble the House upon this question, if I could at all acquiesce in many of the arguments, or justify the vote I shall give upon several of the reasons, which have been urged in favour of it. I should indeed be very much concerned if I were thought to be influenced to that vote by those arguments.

In particular, I do most exceedingly condemn all such arguments as involve any kind of reflection on the personal character of the gentlemen, who have brought in a petition so decent in the style of it, and so constitutional in the mode. Besides the unimpeachable integrity and piety of many of the promoters of this petition, which render those aspersions as idle as they are unjust, such a way of treating the subject can have no other effect than to turn the attention of the House from the merits of the petition, (the only thing properly before us, and which we are sufficiently competent to decide upon,) to the motives of the petitioners, which belong exclusively to the great Searcher of Hearts.

We all know that those, who loll at their ease in high dignities, whether of the church or of the state, are commonly averse to all reformation. It is hard to persuade them that there can be any thing amiss in establishments, which by feeling experience they find to be so very comfortable. It is as true that from the same selfish motives those, who are struggling upwards, are apt to find every thing wrong, and out of order. These are truths upon

one side and the other; and neither on the one side or the other, in argument, are they worth a single farthing. I wish therefore so much had not been said upon these ill-chosen, and worse than ill-chosen, these very invidious topics.

I wish still more that the dissensions and animosities, which had slept for a century, had not been just now most unseasonably revived. But if we must be driven, whether we will or not, to recollect these unhappy transactions, let our memory be complete and equitable, let us recollect the whole of them together. If the dissenters, as an honourable gentleman has described them, have formerly risen from a 'whining, canting, snivelling generation,' to be a body dreadful and ruinous to all our establishments, let him call to mind the follies, the violences, the outrages and persecutions, that conjured up, very blameably, but very naturally, that same spirit of retaliation. Let him recollect, along with the injuries, the services which dissenters have done to our church and to our state. If they have once destroyed, more than once they have saved them. This is but common justice, which they and all mankind have a right to.

There are, Mr. Speaker, besides these prejudices and animosities, which I would have wholly removed from the debate, things more regularly and argumentatively urged against the petition; which, however, do not at all appear to me conclusive.

First, two honourable gentlemen, one near me, the other, I think, on the other side of the House, assert, that if you alter her symbols, you destroy the being of the church of England. This, for the sake of the liberty of that church, I must absolutely deny. The church, like every body corporate, may alter her laws without changing her identity. As an independent church, professing fallibility, she has claimed a right of acting without the consent of any other; as a church, she claims, and has always exercised, a right of reforming whatever appeared amiss in her doctrine, her discipline, or her rites. She did so, when she shook off the papal supremacy in the reign of Henry

the Eighth, which was an act of the body of the English church, as well as of the state (I don't enquire how obtained). She did so, when she twice changed the liturgy in the reign of King Edward, when she then established articles, which were themselves a variation from former professions. She did so, when she cut off three articles from her original 42, and reduced them to the present 39; and she certainly would not lose her corporate identity, nor subvert her fundamental principles, though she were to leave ten of the 39, which remain, out of any future confession of her faith. She would limit her corporate powers, on the contrary, and she would oppose her fundamental principles, if she were to deny herself the prudential exercise of such capacity of reformation. This therefore can be no objection to your receiving the petition.

In the next place, Sir, I am clear that the Act of Union, reciting and ratifying one Scotch and one English act of parliament, has not rendered any change whatsoever in our church impossible, but by a dissolution of the union between the two kingdoms.

The honourable gentleman, who has last touched upon that point, has not gone quite so far as the gentlemen who first insisted upon it. However, as none of them wholly abandon that post, it will not be safe to leave it behind me unattacked. I believe no one will wish their interpretation of that act to be considered as authentic. What shall we think of the wisdom (to say nothing of the competence) of that legislature, which should ordain to itself such a fundamental law at its outset, as to disable itself from executing its own functions; which should prevent it from making any further laws, however wanted, and that too on the most interesting subject that belongs to human society, and where she most frequently wants its interposition; which should fix those fundamental laws, that are for ever to prevent it from adapting itself to its opinions, however clear, or to its own necessities, however urgent? Such an act, Mr. Speaker, would for ever put the church out of its own power; it certainly would put it far above the state, and

erect it into that species of independency which it has been the great principle of our policy to prevent.

The act never meant, I am sure, any such unnatural restraint on the joint legislature it was then forming. History shows us what it meant, and all that it could mean with any degree of common sense.

In the reign of Charles the First, a violent and ill-considered attempt was made, unjustly, to establish the platform of the government, and the rites of the church of England, in Scotland, contrary to the genius and desires of far the majority of that nation. This usurpation excited a most mutinous spirit in that country. It produced that shocking fanatical Covenant (I mean the Covenant of 1636) for forcing their ideas of religion on England, and indeed on all mankind. This became the occasion, at length, of other covenants, and of a Scotch army marching into England to fulfil them; and the parliament of England (for its own purposes) adopted their scheme, took their last covenant, and destroyed the church of England. The parliament, in their ordinance of 1643, expressly assign their desire of conforming to the church of Scotland as a motive for their alteration.

To prevent such violent enterprises on the one side or on the other, since each church was going to be disarmed of a legislature wholly and peculiarly affected to it, and lest this new uniformity in the state should be urged as a reason and ground of ecclesiastical uniformity, the Act of Union provided, that presbytery should continue the Scotch, as episcopacy the English, establishment, and that this separate and mutually independent church government was to be considered as a part of the Union, without aiming at putting the regulation within each church out of its own power, without putting both churches out of the power of the state. It could not mean to forbid us to set any thing ecclesiastical in order, but at the expence of tearing up all foundations, and forfeiting the inestimable benefits, (for inestimable they are,) which we derive from the happy union of the two kingdoms. To suppose otherwise, is to

suppose that the act intended we could not meddle at all with the church, but we must as a preliminary destroy the state.

Well then, Sir, this is, I hope, satisfactory. The Act of Union does not stand in our way: but, Sir, gentlemen think we are not competent to the reformation desired, chiefly from our want of theological learning. If we were the legal assembly * * * * * *

If ever there was any thing, to which from reason, nature, habit and principle, I am totally averse, it is persecution for conscientious difference in opinion. If these gentlemen complained justly of any compulsion upon them on that article, I would hardly wait for their petitions; as soon as I knew the evil I would haste to the cure; I would even run before their complaints.

I will not enter into the abstract merits of our articles and liturgy — perhaps there are some things in them which one would wish had not been there. They are not without the marks and characters of human frailty.

But it is not human frailty and imperfection, and even a considerable degree of them, that becomes a ground for your alteration; for by no alteration will you get rid of those errors, however you may delight yourselves in varying to infinity the fashion of them. But the ground for a legislative alteration of a legal establishment is this, and this only; that you find the inclinations of the majority of the people, concurring with your own sense of the intolerable nature of the abuse, are in favour of a change.

If this be the case in the present instance, certainly you ought to make the alteration that is proposed, to satisfy your own consciences, and to give content to your people. But if you have no evidence of this nature, it ill becomes your gravity, on the petition of a few gentlemen, to listen to any thing that tends to shake one of the capital pillars of the state, and alarm the body of your people upon that one ground, in which every hope and fear, every interest, passion, prejudice, every thing, which can affect the human breast, are all in-

volved together. If you make this a season for religious alterations, depend upon it you will soon find it a season of religious tumults and religious wars.

These gentlemen complain of hardships. No considerable number shows discontent; but, in order to give satisfaction to any number of respectable men, who come in so decent and constitutional a mode before us, let us examine a little what that hardship is. They want to be preferred clergymen in the church of England, as by law established; but their consciences will not suffer them to conform to the doctrines and practices of that church; that is, they want to be teachers in a church, to which they do not belong; and it is an odd sort of hardship. They want to receive the emoluments appropriated for teaching one set of doctrines, whilst they are teaching another. A church, in any legal sense, is only a certain system of religious doctrines and practices, fixed and ascertained by some law; by the difference of which laws, different churches (as different commonwealths) are made in various parts of the world: and the establishment is a tax laid by the same sovereign authority for payment of those who so teach and so practise. For no legislature was ever so absurd as to tax its people to support men for teaching and acting as they please, but by some prescribed rule.

The hardship amounts to this, that the people of England are not taxed 2*s.* in the pound to pay them for teaching, as divine truths, their own particular fancies. For the state has so taxed the people; and by way of relieving these gentlemen, it would be a cruel hardship on the people to be compelled to pay, from the sweat of their brow, the most heavy of all taxes to men to condemn, as heretical, the doctrines which they repute to be orthodox, and to reprobate, as superstitious, the practices which they use as pious and holy. If a man leaves by will an establishment for preaching such as Boyle's lectures, or for charity sermons, or funeral sermons, shall any one complain of an hardship because he has an excellent sermon upon matrimony, or on the martyrdom of King Charles,

or on the Restoration, which I, the trustee of the establishment, will not pay him for preaching? — S. Jenyns, Origin of Evil. Such is the hardship, which they complain of under the present church establishment, that they have not the power of taxing the people of England for the maintenance of their private opinions.

The laws of toleration provide for every real grievance, that these gentlemen can rationally complain of. Are they hindered from professing their belief of what they think to be truth? If they do not like the establishment, there are an hundred different modes of dissent in which they may teach. But even if they are so unfortunately circumstanced that of all that variety none will please them, they have free liberty to assemble a congregation of their own; and if any persons think their fancies (they may be brilliant imaginations) worth paying for, they are at liberty to maintain them as their clergy; nothing hinders it. But if they cannot get an hundred people together, who will pay for their reading a liturgy after their form, with what face can they insist upon the nation's conforming to their ideas, for no other visible purpose than the enabling them to receive with a good conscience the tenth part of the produce of your lands?

Therefore, before hand, the constitution has thought proper to take a security, that the tax raised on the people shall be applied only to those who profess such doctrines, and follow such a mode of worship, as the legislature, representing the people, has thought most agreeable to their general sense; binding, as usual, the minority not to an assent to the doctrines, but to a payment of the tax.

But how do you ease and relieve? How do you know that in making a new door into the church for these gentlemen, you do not drive ten times their number out of it? Supposing the contents and not contents strictly equal in numbers and consequence, the possession, to avoid disturbance, ought to carry it. You displease all the clergy of England now actually in office, for the chance of obliging a score or two, perhaps, of gentlemen, who are, or want to

be, beneficed clergymen; and do you oblige? Alter your liturgy, will it please all even of those who wish an alteration? Will they agree in what ought to be altered? And after it is altered to the mind of every one, you are no further advanced than if you had not taken a single step; because a large body of men will then say, you ought to have no liturgy at all. And then these men, who now complain so bitterly that they are shut out, will themselves bar the door against thousands of others. Dissent, not satisfied with toleration, is not conscience, but ambition.

You altered the liturgy for the Directory; this was settled by a set of most learned divines and learned laymen; Selden sat amongst them. Did this please? It was considered upon both sides as a most unchristian imposition. Well, at the Restoration they rejected the Directory, and reformed the Common Prayer, which, by the way, had been three times reformed before. Were they then contented? Two thousand (or some great number) of clergy resigned their livings in one day rather than read it; and truly, rather than raise that second idol, I should have adhered to the Directory as I now adhere to the Common Prayer. Nor can you content other men's conscience, real or pretended, by any concessions: follow your own; seek peace and ensue it. You have no symptoms of discontent in the people to their establishment. The churches are too small for their congregations. The livings are too few for their candidates. The spirit of religious controversy has slackened by the nature of things: by act you may revive it. I will not enter into the question, how much truth is preferable to peace. Perhaps truth may be far better. But as we have scarcely ever the same certainty in the one that we have in the other, I would, unless the truth were evident indeed, hold fast to peace, which has in her company charity, the highest of the virtues.

This business appears in two points of view:—1st, Whether it is a matter of grievance. 2d, Whether it is within our province to redress it with propriety and prudence. Whether it comes properly before us on a petition

upon matter of grievance, I would not enquire too curiously. I know, technically speaking, that nothing agreeable to law can be considered as a grievance. But an over-attention to the rules of any act does sometimes defeat the ends of it, and I think it does so in this parliamentary act, as much at least as in any other. I know many gentlemen think that the very essence of liberty consists in being governed according to law; as if grievances had nothing real and intrinsic; but I cannot be of that opinion. Grievances may subsist by law. Nay, I do not know whether any grievance can be considered as intolerable until it is established and sanctified by law. If the Act of Toleration were not perfect, if there were a complaint of it, I would gladly consent to amend it. But when I heard a complaint of a pressure on religious liberty, to my astonishment I find that there was no complaint whatsoever of the insufficiency of the Act of King William, nor any attempt to make it more sufficient. The matter therefore does not concern *toleration, but establishment;* and it is not the rights of private conscience that are in question, but the propriety of the terms, which are proposed by law as a title to public emoluments; so that the complaint is not, that there is not toleration of *diversity in* opinion, but that diversity in opinion is not rewarded by bishopries, rectories, and collegiate stalls. When gentlemen complain of the subscription as matter of grievance, the complaint arises from confounding private judgment, whose rights are anterior to law, and the qualifications, which the law creates for its own magistracies, whether civil or religious. To take away from men their lives, their liberty, or their property, those things for the protection of which society was introduced, is great hardship and intolerable tyranny; but to annex any condition you please to benefits, artificially created, is the most just, natural, and proper thing in the world. When *e novo* you form an arbitrary benefit, an advantage, pre-eminence, or emolument, not by nature, but institution, you order and modify it with all the power of a creator over his creature. Such benefits of institution are royalty, nobility, priest-

hood; all of which you may limit to birth; you might prescribe even shape and stature. The Jewish priesthood was hereditary. Founders' kinsmen have a preference in the election of fellows in many colleges of our universities; the qualifications at All Souls are that they should be—*optimè nati, benè vestiti, mediocriter docti.*

By contending for liberty in the candidate for orders you take away the liberty of the elector, which is the people; that is, the state. If they can choose, they may assign a reason for their choice; if they can assign a reason, they may do it in writing, and prescribe it as a condition; they may transfer their authority to their representatives, and enable them to exercise the same. In all human institutions a great part, almost all regulations, are made from the mere necessity of the case, let the theoretical merits of the question be what they will. For nothing happened at the Reformation but what will happen in all such revolutions. When tyranny is extreme, and abuses of government intolerable, men resort to the rights of nature to shake it off. When they have done so, the very same principle of necessity of human affairs, to establish some other authority, which shall preserve the order of this new institution, must be obeyed, until they grow intolerable; and you shall not be suffered to plead original liberty against such an institution. See Holland, Switzerland.

If you will have religion publicly practised and publicly taught, you must have a power to say what that religion will be, which you will protect and encourage; and to distinguish it by such marks and characteristics as you in your wisdom shall think fit. As I said before, your determination may be unwise in this as in other matters, but it cannot be unjust, hard, or oppressive, or contrary to the liberty of any man, or in the least degree exceeding your province.

It is therefore as a grievance fairly none at all, nothing but what is essential not only to the order, but to the liberty of the whole community.

The petitioners are so sensible of the force of these ar-

guments, that they do admit of one subscription, that is to the Scripture. I shall not consider how forcibly this argument militates with their whole principle against subscription as an usurpation on the rights of Providence: I content myself with submitting to the consideration of the House, that, if that rule were once established, it must have some authority to enforce the obedience; because you well know, a law without a sanction will be ridiculous. Somebody must sit in judgment on its conformity; he must judge on the charge; if he judges, he must ordain execution. These things are necessary consequences one of the other; and then this judgment is an equal and a superior violation of private judgment; the right of private judgment is violated in a much greater degree than it can be by any previous subscription. You come round again to subscription as the best and easiest method: men must judge of his doctrine, and judge definitively; so that either his test is nugatory, or men must first or last prescribe his public interpretation of it.

If the church be, as Mr. Locke defines it, 'a voluntary society, &c.' then it is essential to this voluntary society to exclude from her voluntary society any member she thinks fit, or to oppose the entrance of any upon such conditions as she thinks proper. For otherwise it would be a voluntary society acting contrary to her will, which is a contradiction in terms. And this is Mr. Locke's opinion, the advocate for the largest scheme of ecclesiastical and civil toleration to Protestants; (for to Papists he allows no toleration at all).

They dispute only the extent of the subscription; they therefore tacitly admit the equity of the principle itself. Here they do not resort to the original rights of nature, because it is manifest that those rights give as large a power of controverting every part of Scripture, or even the authority of the whole, as they do to the controverting any articles whatsoever. When a man requires you to assign an assent to Scripture, he requires you to assent to a doctrine as contrary to your natural understanding, and to

your rights of free enquiry, as those who require your conformity to any one article whatsoever.

The subscription to Scripture is the most astonishing idea I ever heard, and will amount to just nothing at all. Gentlemen so acute have not, that I have heard, ever thought of answering a plain obvious question. — What is that Scripture, to which they are content to subscribe? They do not think that a book becomes of divine authority because it is bound in blue Morocco, and is printed by John Basket and his assigns. The Bible is a vast collection of different treatises: a man, who holds the divine authority of one, may consider the other as merely human. What is his Canon? The Jewish — St. Jerom's — that of the 39 Articles — Luther's? — There are some who reject the Canticles, others six of the Epistles — the Apocalypse has been suspected even as heretical, and was doubted of for many ages, and by many great men. As these narrow the Canon, others have enlarged it by admitting St. Barnabas's Epistles, the Apostolic Constitutions, to say nothing of many other gospels. Therefore to ascertain Scripture you must have one Article more; and you must define what that Scripture is which you mean to teach. There are, I believe, very few, who, when Scripture is so ascertained, do not see the absolute necessity of knowing what general doctrine a man draws from it, before he is sent down authorized by the state to teach it as pure doctrine, and receive a tenth of the produce of our lands.

The Scripture is no one summary of doctrines regularly digested, in which a man could not mistake his way; it is a most venerable, but most multifarious, collection of the records of the divine economy; a collection of an infinite variety, of cosmogony, theology, history, prophecy, psalmody, morality, apologue, allegory, legislation, ethics, carried through different books, by different authors, at different ages, for different ends and purposes.

It is necessary to sort out what is intended for example, what only as narrative, what to be understood literally, what figuratively, where one precept is to be controlled

and modified by another—what is used directly, and what only as an argument 'ad hominem,'—what is temporary, and what of perpetual obligation—what appropriated to one state, and to one set of men, and what the general duty of all Christians. If we do not get some security for this, we not only permit, but we actually pay for all, the dangerous fanaticism, which can be produced to corrupt our people, and to derange the public worship of the country. We owe the best we can (not infallibility, but prudence,) to the subject, first sound doctrine, then ability to use it.

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On the question, That the said petition be brought up, the House divided: Yeas 71: Noes 217. So it passed in the negative.

Church Nullum Tempus Bill.

February 17.

MR. HENRY Seymour moved this day for leave to bring in a Bill "for quieting the subjects of this realm against the Dormant Claims of the Church." Upon this occasion,

Mr. Burke said:

Sir; if I considered this Bill as an attack upon the church, brought in for the purpose of impoverishing and weakening the clergy, I should be one of the foremost in an early and vigorous opposition to it.

I admit the same reasons do not press for limiting the claims of the church, that existed for limiting the crown by that wisest of all laws, which has secured the property, the peace, and the freedom of this country from the most dangerous mode of attack, which could be made upon them all.

I am very sensible of the propriety of maintaining that venerable body with decency, and with more than mere decency. I would maintain it according to the ranks wisely established in it with that sober and temperate splendour, that is suitable to a sacred character invested with high dignity.

There ought to be a symmetry between all the parts and orders of a state. A poor clergy in an opulent nation can have little correspondence with the body it is to instruct, and it is a disgrace to the public sentiments of religion. Such irreligious frugality is even bad economy, as the little that is given is entirely thrown away. Such an impoverished and degraded clergy in quiet times could never execute their duty, and in time of disorder would infinitely aggravate the public confusions.

That the property of the church is a favoured and privileged property, I readily admit. It is made with great wisdom, since a perpetual body with a perpetual duty ought to have a perpetual provision.

The question is not the property of the church, or its security. The question is, whether you will render the principle of prescription a principle of the law of this land, and incorporate it with the whole of your jurisprudence; whether, having given it first against the laity, then against the crown you will now extend it to the church.

The acts, which were made, giving limitation against the laity, were not acts against the property of those who might be precluded by limitations. The act of quiet against the crown was not against the interest of the crown, but against a power of vexation.

If the principle of prescription be not a constitution of positive law, but a principle of natural equity, then to hold it out against any man is not doing him injustice.

That tithes are due of common right is readily granted; — and if this principle had been kept in its original straitness, it might indeed be supposed that to plead an exemption was to plead a long-continued fraud; and that no man could be deceived in such a title: as the moment he bought

land, he must know that he bought land tithed. Prescription could not aid him, for prescription can only attach on a supposed *bonâ fide* possession.

But the fact is, that the principle has been broken in upon. Here it is necessary to distinguish two sorts of property.—1. Land carries no mark on it to distinguish it as ecclesiastical, as tithes do, which are a charge on land; therefore, though it had been made inalienable, it ought perhaps to be subject to limitation. It might *bonâ fide* be held.

But first it was not originally inalienable: no, not by the canon law, until the restraining act of the 11th of Elizabeth. But the great revolution of the dissolution of monasteries by the 31st Hen. 8. ch. 13., has so mixed and confounded ecclesiastical with lay property, that a man may by every rule of good faith be possessed of it.

The statute of Queen Elizabeth, ann. 1. ch. 1., gave away the bishop's lands.

So far as to lands.

As to tithes, they are not things in their own nature subject to be barred by prescription, upon the general principle. But tithes and church lands by the statutes of Hen. 8. and the 11th Eliz. have become objects *in commercio;* for by coming to the crown they became grantable in that way to the subject, and a great part of the church lands passed through the crown to the people.

By passing to the king, tithes became property to a mixt party; by passing from the king, they became absolutely lay property; the partition-wall was broken down, and tithes and church-possession became no longer synonymous terms. No man therefore might become a fair purchaser of tithes, and of exemption from tithes.

By the statute of Elizabeth, the lands took the same course, (I will not enquire by what justice, good policy and decency,) but they passed into lay lands, became the object of purchases for valuable consideration, and of marriage-settlements.

Now, if tithes might come to a layman, land in the hands

of a layman might be also tithe-free. So that there was an object, which a layman might become seized of equitably and *bonâ fide*; there was something on which a prescription might attach, the end of which is to secure the natural well-meaning ignorance of men, and to secure property by the best of all principles, continuance.

I have therefore shown that a layman may be equitably seized of church lands.—2. Of tithes.—3. Of exemption from tithes; and you will not contend that there should be no prescription. Will you say that the alienations made before the 11th of Elizabeth shall not stand good?

I do not mean any thing against the church, her dignities, her honours, her privileges, or her possessions. I should wish even to enlarge them all; not that the church of England is incompetently endowed. This is to take nothing from her but the power of making herself odious. If she be secure herself, she can have no objection to the security of others. For I hope she is secure from laybigotry and anti-priestcraft, for certainly such things there are. I heartily wish to see the church secure in such possessions as will not only enable her ministers to preach the gospel with ease, but of such a kind as will enable them to preach it with its full effect—so that the pastor shall not have the inauspicious appearance of a tax-gatherer;—such a maintenance as is compatible with the civil prosperity and improvement of their country.

The House divided: Yeas 117: Noes 141. So it passed in the negative.

Bill for the Relief of Protestant Dissenters.

April 3.

SIR Henry Hoghton moved, "That leave be given to bring in a Bill for the further relief of his majesty's Protestant

subjects dissenting from the Church of England." Sir Henry accompanied his motion with a short speech, the purport of which was, that a divine and exclusive right belonged to man, as a free agent, to judge for himself in religious matters. After Sir Roger Newdigate had opposed the motion, and Mr. Montague and Mr. Constantine Phipps had spoken in support of it,

Mr. BURKE said:

Sir; as I have the pleasure of seeing all parties inclined to an agreement in the proposition now before the House, I think I cannot better perform my duty, than by endeavouring to cement the union as speedily as possible. Sir, there have been two objections made against granting the dissenters the desired toleration, or exemption from subscription. First, such a step is represented as dangerous to the state; and, secondly, it is held to be ruinous to the church. If, then, I show, that it is in neither of these points to be dreaded, I hope this measure will be unanimously embraced, and will come with infinitely more weight and authority into the world.

First, then, it is not dangerous to the state. If it were, who can persuade himself, that those wise and active ministers, whose business it is to watch over the interests of the community, and who have given this House such weighty reasons for believing, that they never slumber nor sleep, but constantly attend the helm; who, I say, can persuade himself, that, if the state were in the least danger, they would be absent? The noble lord (North) who possesses, and deserves so much the attention of the House, would certainly not have deserted his station, nor left the political vessel to be tossed and buffeted, without a rudder, without a pilot, were the least storm to be apprehended. His eagle eyes would have foreseen and prevented the evil. But why do I say, that he would have watched over the public weal? He has not forgot his duty; he has appointed a deputy (Mr. George Onslow), who worthily supplies his place, and long, very long, may he enjoy his office! he is worthy of his employer. He now sits in Moses's

chair, and officially expounds the law and the prophets. I hope, therefore, that the honourable gentleman who opposed the motion, will allow, that the state can be in no jeopardy, as those who have been found more infallible than the Pope and his cardinals have not been in the least alarmed.

Sir, part the first being settled, I hope to the satisfaction of the House, proceed we now to part the second, in which we will shew, that the church is not endangered by the motion. And here let me observe, that as the law now stands, the dissenters are not obliged to sign but thirty-five articles and a half, which are not peculiar to the church of England. The distinctive doctrines of the Anglican church are contained in the articles, which they are not to sign. Hence the present mode of subscription enjoins the observance of the principles of the church of Geneva, and leaves out entirely what is peculiar to the church of England. For what purpose, then, is this absurd mode of subscription continued, which contributes rather to the propagation of presbyterianism than to the establishment of the national religion? The honourable gentleman who opposed the motion, said, that the church was a respectable body, and that their satisfaction ought to be studied as much as that of the Presbyterians. I own it; and it is for that reason I would abolish a subscription, which does the church more harm than good, as it only binds men to the observance of the tenets of Geneva, and exempts them from paying the least attention to the distinctive doctrines of the English church.

Sir, the opposer of the question is willing to grant them a toleration to a certain extent, that is, as far as their tenets correspond with those of the church of England. But surely this is not sound logic; for the very principle of toleration is that you will tolerate, not those who agree with you in opinion, but those whose religious notions are totally different. For what merit is there, I beseech you, in tolerating your own doctrines? None at all. Christian charity consists in allowing others a latitude of opinion, in

putting a restraint upon your own mind, and in not suffering the zeal of the Lord's house absolutely to eat you up. The dissenters do not desire to partake of the emoluments of the church. Their sole aim is to procure liberty of conscience. If you do not grant this indulgence, you in effect say, "Gentlemen, you shall say grace in our way, but you shall not taste a morsel of our meat." Can such an absurd, such a partial institution, be deemed a toleration? It is impossible; and I therefore hope, that the House will be unanimous in granting the request of the dissenters in its fullest extent.

The motion for leave to bring in the Bill was agreed to without a division, and the numbers that appeared against it, upon the second and third reading, were so small, as scarcely to merit observation. It was however productive of very considerable debates, as well in this part of its progress, as when it was afterwards carried up to the House of Lords, where it was finally rejected.

COLONEL BURGOYNE'S MOTION FOR A SELECT COMMITTEE ON EAST INDIA AFFAIRS.

April 13.

THIS day Colonel Burgoyne moved, "That a committee of thirty-one members be appointed to enquire into the nature, state, and condition of the East India Company, and of the British affairs in India." The necessity of such an enquiry was strongly urged from a variety of considerations, among which were the following: the present precarious situation of affairs in India; the late distresses of the natives, and the depopulation of the country; the oppressive and arbitrary conduct of the Company's servants; the great decrease of the net revenues in Bengal, from various mismanagements, as well as enormous and unnecessary expences; the immense consequence to this nation of preserving and well-governing those countries;

and that this could only be done, by making a full enquiry into their nature and state, and then establishing a regular and permanent form of justice and government. Mr. Thomas Townshend, Lord Irnham, Colonel Luttrell, Mr. Dowdeswell, and Mr. Cornwall, objected to the enquiry being made by a select committee, saying, that they might as well have no enquiry at all; for that the select committee never came in their enquiries to any thing; and, therefore, that the appointment of one tended only to deceive the people, and would be ineffectual. Colonel Barré said, that an enquiry ought to be made, as more cruelties had been practised in that country than even in Mexico.

Mr. BURKE spoke warmly against making any enquiry. When discretionary power (said he) is lodged in the hands of any man, or class of men, experience proves, that it will always be abused. This has been the case with the East India Company. That charter, which was well enough calculated for the purposes of a factory, becomes totally insufficient upon the acquisition of extensive territories. Hence unlimited authority fell necessarily into the hands of their governors. The directors, attentive to the extension of their trade, had not time, nor perhaps capacity, to make general regulations sufficient for the good government of so great an empire: and, had they been possessed of both these requisites, yet they wanted the power to exert them. Else why have they now applied for a new charter? The thing speaks for itself. They could only act within their charter, and send to their governors directions, and directions, too, that were not binding in law; no competent authority having been delegated to them by the legislature. Does it not follow from this, that they were obliged to leave their governors a discretionary power? But how was the governor to keep in awe the Company's servants, who knew that he did not derive his authority from law, and that they could not be punished for disobedience beyond the ditch of Calcutta? In order to preserve some kind of subordination, he was forced occasionally to act the

despot, and to terrify the refractory by the arm of power or violence.

This, Sir, I believe, you will find to be the genuine source of that arbitrary conduct charged upon the late governors in Bengal. Where no laws exist, men must be arbitrary; and very necessary acts of government will often be, in such case, represented by the interested and malevolent as instances of wanton oppression. Suppose some examples of real tyranny to have occurred, does it thence follow, that the governors were culpable? Is it not possible, that they were misinformed? In such a multiplicity of affairs, and in a government without laws, some enormities must have been committed. But who are the blameable persons? not the Company, nor the Company's servants, who have not done what experience tells us is above the reach of humanity, and what they had not legal right to do; but those who did not, upon the acquisition of such vast territories, compose for their use a comprehensive and well-digested code of laws, for the rule of every man's conduct. Had the ministry, upon a former occasion, adopted this plan, as they were advised, we should not now be debating this point, nor should we have heard that the net revenues of Bengal are sunk to less than 200,000*l.*

In fact, Sir, administration is, in this case, the only culprit. The East India Company is not punishable for not performing what no body of men in their circumstances ever did or will perform. It is the men who are at the helm of affairs, and who neglected, or wanted capacity and inclination to make the proper arrangements, that ought to be the objects of public and parliamentary vengeance. They would, as all former ministers have done on the like occasions, make the Company and its servants their scapegoats; but it is to be hoped that we have more sagacity than to suffer them to sacrifice a Byng or two to their own security. Through the mismanagement of those who sit at the helm of affairs, the evil has spread too widely to be probed to the bottom. A general amnesty or act of oblivion for what is past will be the most rational method

of proceeding; as in a civil war, where a whole nation is engaged on either side, I would have mutual forgiveness take place. Exact retribution for every irregularity would be the height of folly: it would only make the public wounds fester and rankle to an extreme.

Let us, Sir, consider, that if the Company is not without demerit, it has also merit to plead. To whom do we owe the million and a half which the East India trade annually brings into the exchequer, but to the men who are now accused? Let us weigh their virtues and their vices in opposite scales, and we shall find that their affairs only deserve regulation, and not themselves punishment. The authority of the Company I would not have diminished in India by any severe animadversion. Let not the people of Bengal be taught to despise them, by finding their authothority limited and circumscribed. It is enough that we provide for the good government of that country for the future. When they have so widely extended our empire and commerce—when they have so greatly augmented our naval power, as to have a fleet of merchantmen equal to the royal navy of Great Britain—let us not check their growth by sinking them in the estimation of foreigners, but cherish and foster them as our own children, or rather ourselves; for upon our union our safety depends. Hindostan should not know, that the legislature and the Company differ in opinion; but rather, that such harmony subsists between them as to render them in effect the same.

The motion for a select committee was carried without a division.

BILL TO REGULATE THE IMPORTATION AND EXPORTATION of CORN.

April 14.

THE House went into a committee to consider the present state of the corn trade, in which Mr. Pownall moved the following resolutions: 1. "That it is the opinion of this committee, that the importation of wheat and wheat flour, rye and rye meal, into this kingdom, be admitted for a limited time, free of duty. 2. That the importation of rice, from any of his majesty's colonies in America, into Great Britain, be admitted, for a limited time, free of duty. 3. That, if the importation and exportation of corn were properly regulated by some permanent law, it would afford encouragement to the farmer, be the means of encreasing the growth of that necessary commodity, of affording a cheaper and more constant supply to the poor, and of preventing abuses in that article of trade. 4. That the duties now payable upon wheat and wheat flour imported into this kingdom, when the price of wheat is at or above 48*s.* per quarter shall cease, determine, and be no longer paid. 5. That the duties now payable upon rye imported into this kingdom, when the price of rye in this kingdom is at or above 32*s.* per quarter, shall cease, determine, and be no longer paid. 6. That a duty of 6*d.* per quarter be laid upon all wheat imported into this kingdom, when the price of wheat in this kingdom shall be at or above 48*s.* per quarter. 7. That a duty of 2*d.* per cwt. be laid upon all wheat flour imported into this kingdom, when the price of wheat in this kingdom shall be at or above 48*s.* per quarter. 8. That a duty of 3*d.* per quarter be laid upon all rye imported into this kingdom, when the price of rye in this kingdom shall be at or above 28*s.* per quarter. 9. That the exportation of wheat, wheat meal, and wheat flour, from this kingdom, when the price of wheat shall be at or above 44*s.* per quarter, be prohibited. 10. That the exportation of wheat, wheat meal, and wheat flour, when the price of wheat shall be under 44*s.* per quarter, be permitted, with the bounty allowed by the statutes of 1st William and Mary, and the 24th George 2. upon such wheat, and wheat meal, as

shall be of the growth of this kingdom, and exported according to the regulations prescribed by those and other acts of parliament. 11. That the exportation of rye from this kingdom, when the price of rye shall be at or above 28*s.* per quarter, be prohibited. 12. That, for and upon all wheat, wheat flour, and rye, which shall have been imported into this kingdom, and which shall be exported again thereout, shall be drawn back, any and all such duty and duties as shall have been paid, on the importation of the said wheat, and wheat flour and rye into Great Britain; such drawback to be demanded and paid under such rules and regulations as drawbacks in cases of the like nature are drawn back and paid."

Mr. BURKE shewed that this matter had been already two years under consideration; that the resolutions now proposed were unanimously agreed to by the House last year, and that the present time and circumstances of the country seemed to be the very proper moment for carrying them into execution; that if they could have any effect, this was the proper time to apply them. He then replied to the several doubts and difficulties which had been raised, in an excellent speech, full of that knowledge which he possesses of these matters; and explained, with that clearness of which he is master, both the effect of supply and trade; and shewed the united interests of the landed and commercial parts of this country; that nothing could be more detrimental than their jealousies of each other; and that nothing could be so advantageous to this country, as their united efforts for their mutual benefit. As this measure was animated with that spirit, he approved of it.

The resolutions were agreed to, and a bill was ordered to be brought in. In the committee on the bill, upon the 4th of May, Lord Clare observed, that the distresses of the poor were become so urgent, as to render the attempt at a remedy absolutely necessary; that he and some others had made a minute enquiry into this affair in Essex, and had found that a labourer who had six or seven in family, could not after paying for lodging and other indispensable articles, afford each more than three farthings a day for corn or bread. In such a state of

things, was it not, he asked, absolutely necessary to discontinue the bounty for exportation, and to prohibit exportation altogether, when the price of corn equalled or exceeded 44, instead of 48s. a quarter?

Mr. BURKE said:

Sir; nothing but the ingenuity of the noble lord could have made plausible the doctrine which he has now supported. He has laboured to prove that we ought to make provision for the necessities of the poor, and recommended charity as the great Christian virtue that is to remove all their wants. Sir, I am no enemy to the poor. On the contrary, I sympathise with their distresses. On this occasion I give way to the present bill, not because I approve of the measure in itself, but because I think it prudent to yield to the spirit of the times. The people will have it so, and it is not for their representatives to say nay. I cannot, however, help entering my protest against the general principles of policy on which it is supported, because I think them extremely dangerous. At present we feel a kind of dearth, and the people are uneasy. What are we going to do for their relief? In order to remove a temporary evil, we are going to establish a general law which will operate when that evil has ceased. The average price of corn, as has been frequently proved, has sunk greatly since the bounty upon exportation commenced. What, then, can be more impolitic, than to discontinue a regulation, of which the utility has thus been ascertained by the most unerring of guides, experience? The intention of the bounty is only to enable our merchants to bring the British corn to foreign markets upon a par with what is furnished by the countries where it is sold. The bounty, therefore, is only meant to defray the expence of exportation, and without it you will never be able to export, except when there is a famine abroad. Now, is there any reason to apprehend that this will often be the case, or at most so often as to afford England a vent for the surplus of corn produced by a plentiful year? Nobody will hazard such an opinion. If it be so,

will not England soon lose by this new establishment the corn trade, which has been to her the source of much wealth and prosperity? Will not the landed interest be deeply affected by that event? Will not less corn be grown? Will not less then come to market? Will not the price be enhanced, and the very poor, whom you mean to serve, most essentially injured? Sir, this is but a pitiful expedient for removing a pressure, which will return with double weight. I would have the people of this island know, that if they would be relieved, they must relieve themselves by an increase of industry. There is no other possible remedy. People may talk of charity and parliamentary aid, but I am afraid these will in the end prove ineffectual. If the people of England should take it in their heads to idle away one day extraordinary, no human contrivance could indemnify them. For what, I beseech you, are charity, and alms, and parish rates, the only succedaneum, but part of their own property, of the public stock? Let me tell you, it is not we that are charitable to them, but they to us. We hoard up a portion of what is produced by their labour, and, when we give it back, we give back but their own. Let us not, however, open our hands precipitately or indiscreetly, and endeavour to persuade them that we can give relief, which is actually out of our power. Let us rather inculcate this maxim, that they must work out their salvation with their own hand. When the crops fail in this kingdom, what foreign country can give it aid?

The Bill passed the Commons, and was carried up to the Lords.

THE BUDGET FOR THE YEAR 1772.

May 1.

THE House having resolved itself into a committee of ways and means, Sir Charles Whitworth in the chair, Lord

North opened his plan of finance for the year. After Mr. Dowdeswell, Mr. Jenkinson, Mr. Hervey, and Mr. Cornwall had addressed the committee,

Mr. BURKE rose and said:

Sir Charles Whitwo rth; I do not rise so much to discuss the new plan of finance proposed by the minister as to offer my sentiments upon certain unconstitutional doctrines which he has advanced. The right honourable gentleman who spoke second in the debate, begs to know the reason of the contradictory orders lately issued from the admiralty; for, notwithstanding the pretended ignorance of an honourable gentleman who sits at that board, such orders, I find, were actually issued. The noble lord does not deny that we have a right to enquire into this, as well as into all other matters, that affect the commonwealth. But how would he have us institute this enquiry? What plan does he chalk out to enable us to come at the proper data, at the facts, upon which our decision must depend? Why, he refers us to time. Time is the sole oracle to whom we must apply for the solution of all our doubts and difficulties. From the minister no information is to be expected. These secrets, as too sacred to be trusted to our profane keeping, he preserves locked up in his own breast. How long is it since we became thus unworthy of having whatever affected the honour and dignity of the nation communicated to us? There was a time when ministers thought themselves bound to account to this House for their conduct; but it is now no more. If we call upon those who are in responsible offices for any necessary information, they desire us to go and consult time. The ancient parliamentary mode was to apply to the treasury, to the admiralty, or directly to the sovereign; but now we must turn our eyes to time. A very useful invention this to administration; for it will render any enquiry into their conduct very difficult, if not impossible.

Sir, I am not surprized to find the House so very disorderly; for the matter under consideration is of so very

little consequence, that it does not deserve their attention. The public entertain the same opinion; for you see the galleries are ready to break down with the weight of "strangers," as you are pleased to call the people of England. How well this circumstance proves the existence of that sympathy, which ought ever to subsist between the electors and the elected! But where is the wonder? The discussion of a plan of finance new in its kind, and extensive in its effects: a plan, upon which the minister means to build the salvation of this country, is to them an object neither of curiosity nor of interest. They treat it, as if it affected their constituents as little as themselves. But why do I talk of constituents? They have been long out of the question.

Sir, I protest this is a mere parliamentary farce, and you act a great part in this farce. I see I shall be called to order. Be it so. I will do my duty, and speak my sentiments without reserve. I repeat it, this is but a grand parliamentary farce. The minister comes down in state, attended with his creatures of all denominations, beasts clean and unclean; for the treasury, as it has been managed of late, has been worse than Noah's ark. With such, however, as they are, he comes down, opens his budget, and edifies us all with his speech. Well; he sits down. What is the consequence? One half of the House goes away. A gentleman on the opposite side gets up and harangues on the state of the nation; and, in order to keep matters even, another half retires at the close of his speech. A third gentleman follows their example, and rids the House of another half—[a loud laugh through the House]—Sir, I take the blunder to myself, and express my satisfaction at having said any thing that can put the House in good humour. Whether the House be emptied by one half, two halves, or three halves, the public is equally deserted. While gentlemen will not only not attend their duty in parliament, but disturb and confound those who would preserve at least some show of conscience, how can I help calling this a parliamentary farce? Sir, it is an egregious farce, and the nation sees and feels it. But what care they?

They are firm and steady, and despise the clamours of faction. Sir, when did you hear of an odious ministry that did not call the clamours of the people the clamours of faction? I am not surprized at their firmness and steadiness, I mean their firmness and steadiness in keeping their places. Who that is destitute of conscience and that laughs at the murmurs of his fellow-subjects, would not in this House, surrounded by a complaisant majority within doors, and defended by 40,000 men without doors; who, I say, thus disposed, would not show as much firmness and steadiness as our intrepid ministers? But have they discovered the same firmness in negociating with our enemies? that is the question. There is not a lisping infant that will not answer in the negative.

Having said thus much, let me join my right honourable friend on the floor in protesting against this new and dangerous mode, which has been lately adopted, of *diverting sums appropriated by parliament to particular purposes from the specified services*. If this practice be allowed, I do not see for what purpose we assemble here, and assume the name of the people's representatives. Give but a discretionary power of this sort to any man, and he will render it impossible for you ever to know the detail of every service, or to detect *him in any* fraud or peculation. Far be it from me to charge Lord Sandwich with any thing of this nature. No, Sir; such an attempt would be vain; the public know him to be a man of pure hands and hallowed heart; in short, an Israelite indeed. An attack, therefore, upon his character would be as ridiculous as impotent; it would be only biting a *file*.

And now, Sir, indulge me with leave to say a few words upon the subject of military establishments. The practice of keeping on foot large standing armies in time of peace though not absolutely modern, (for we read of such an institution in ancient time) is new to the extent it is now carried in Europe. Charles the 5th was perhaps the first great monarch that set the example. Lewis the 14th trod in his steps. But what was the consequence of their mighty

efforts? In time of peace they exhausted that strength which they should have reserved for war. Those young and vigorous men whom they kept in idleness, should have added, by their industry and labour, to the wealth and population of the state. Hence, when they entered upon real action, they found themselves destitute of the sinews of war, of wealth, of provisions and money, and of recruits of men, without which veterans soon moulder away, and convince them of the shortsightedness of their politics; while their adversaries, though a little embarrassed at first, improved daily, and went on from strength to strength, till at last they proved superior. It is therefore with regret that I see our military and naval establishments constantly upon the increase. At the end of every war it gains something. 8,000 men constituted our standing army at the close of King William's wars. It gradually rose from that number to 16,000; and now it stands at 25,000. The Irish army was augmented in the same manner from 12,000 nominally to 15,000: and yet I will venture to say that Ireland is not better protected nor secured in any shape than it was before the augmentation. Upon the same plan our seamen are augmented.

In short, Sir, all our expences of every kind are constantly rising, not only according to the price of things, but also according to the lapse of time. Every year adds something new to our disbursements. What will be the consequence of this profusion? In vain do our revenues encrease —a supposition indeed which does not seem justified by this year's accounts, if we thus eat our corn in the blade, and spend our strength upon the empty air: if we thus draw our swords before the day of battle comes, and exhaust upon the parade what should be reserved for the field, we shall certainly find ourselves in the situation of Lewis the 14th, who with an army of 300,000 veterans, found himself at last unable to cope with this nation, who had entered the field with less than 10,000 men. It must be confessed, that at first we are in some confusion, or as the noble lord elegantly calls it, in a flurry. But we soon recover. We

are naturally warlike, and in a short time learn tactics. Possessed of wealth, possessed of people, possessed in short of all the sinews of war, we every day gain upon the enemy, and his spirits sink as ours rise. This being evidently the state of the case, what can we mean by imitating those two states of Germany, who are gradually wasting one another's strength by an armed peace, and who are every day ruining their subjects for the show of an army, which in time will moulder away, and leave a dreadful waste behind? France has discovered the bad policy of keeping up a large army, and has therefore begun a plan of reduction. While she is retrenching, ought we to add? Let us return to our old policy, by which we grew great and glorious, and trust to our own native bravery, and the strength of our insular situation for our defence. Formerly our militia was nothing: now it is added to our annual expence. When it was established ought not the regulars to have been proportionately reduced? But the minister will say, "what could be done? When France sent an armament to any part of the world, were we not forced to send out an armament of observation? If they send a fleet to the Mauritius, did not prudence require that we should send out a fleet to watch their motions?" By no means. If you follow this plan, you teach France and Spain the true method of ruining you. The most prudential method of proceeding in those cases is this: you have ambassadors at foreign courts, and if they be vigilant, they may give you intelligence of all the motions of your rivals. Without their knowledge they can send out neither fleet nor army. As soon, therefore, as you learn that they have taken any step that indicates hostility, demand an explanation, a categorical answer, with respect to the destination of the armament; and let them know that they shall answer in Europe for any hostile measure they take in Asia or America; that you will not be pursuing them from place to place, but strike a decisive blow where it is most convenient; that instead of keeping a fleet in the East or West Indies, you will seize their merchantmen, burn their harbours, and destroy their men of

war. This is the true way of dealing with France or Spain. The law of nations has established it as a maxim, and to the observance of it at the beginning of the last war the King of Prussia owes that great and glorious figure which he now cuts in Europe. Would it be unworthy of our ministry to imitate so great a politician?

BILL TO REGULATE THE ELECTIONS OF COMMITTEE-MEN FOR THE AFRICAN COMPANY.

May 20.

SIR William Meredith having some time before presented to the House a petition from the merchants of Liverpool, complaining of malversation in the management of the African trade, Mr. Jones, a merchant in that trade, was called to the bar. On his examination it appeared, that at present the number of freemen entitled to vote for governors of the Company, amounted to 1425; that about the time of election it was customary to bring in lists of such as were proper to be chosen; that, upon the payment of forty shillings, the corporation-fee, they were elected; that there were strong reasons for believing, that these voters were made free at the expence, not of themselves, but of certain monied men, who meant to monopolize the management of the Company; that very few of these freemen were any way concerned in the African trade; that their place of abode could not, upon the strictest enquiry, be found out; that the share of the Liverpool merchants in the African trade was to that of London, nearly as 29 to 8, or 4 to one; and that there were well-grounded complaints against the committee of the Company. Several other witnesses gave similar testimony; in consequence of which leave was given to bring in a Bill for regulating the future elections of committee-men for the African Company. The bill was read a third time on the 20th of May, upon which occasion,

Mr. BURKE said:

Sir; when any new regulation is to be made, or any new act to be passed; I would have it weighed and examined upon the principles of the constitution, and, if found inconsistent with them, rejected. Let us pursue this plan in the present instance. This bill would have us confine the right of election to those who actually do trade, or intend to trade to Africa. What is the consequence of this alteration? You cut off at once above twelve hundred voters, who, under the faith of an act of parliament, purchased the right of voting. And for what reason are they thus to be stripped of their franchise? What crime, what misdemeanour is alleged against them? Why, truly, it is insinuated that they did not pay their corporation fees out of their own purses, but were rendered free at the expence of other men. But, Sir, is a whole body of men to be disfranchised upon mere surmise, or suspicion, however strong? I hope we understand the constitution and the principles of equity better. Had no better proof of corruption than is now exhibited been given in the case of the electors of New Shoreham, I certainly would never have consented to their disfranchisement; for such it was in fact, though not in name.

Besides, Sir, we ought to consider that thus we should take away not only the right of those who are no traders in any branch of commerce, but also that of many respectable West India merchants, some of them members of this House, who are as deeply interested in the success of the African trade as the very men that fit out ships for the purchase of negroes. Is no respect to be paid to such persons? Are we to cut off the good with the evil? Ought we not rather to imitate the pattern set us in sacred writ, and if we find ten just persons among them, to spare the whole? Before we take such a step, we ought to enquire into the origin and institution and nature of the African company, and to see whether this plan be conformable to the spirit and tendency of the act by which it was established. The trade in question, though put under the

direction of a company, was intended to be free and open. Hence the qualification of an elector was fixed at a low standard, at 40*s.* of corporation-fee, that it might resemble our county elections, and be open to as many as possible, upon supposition that the more numerous the electors, the more difficult bribery and corruption. The East India Company being upon a different footing, being intended for a monopoly, different maxims prevailed in its erection. The qualification of an elector was raised to the sum of 500*l.* of capital stock. Let us not, then, counteract the wisdom of our ancestors, who considered and re-considered this subject, nor place upon the footing of a monopoly what was intended for a free trade.

It is contended, that the trade in its present state is but a monopoly; and that this bill is introduced in order to remedy that grievance. But, while we attempt to remedy one grievance, let us take care not to introduce a worse in its place. Of the present freemen there are but thirty that are real traders. If the sole management of the trade be left to them, the committee will be chosen by rotation out of their body, and thus we shall have, in Mrs. Macaulay's words, "a perfect round of rotation," and a monopoly with a witness. No wonder, then, that the meeting of the West India merchants petition that the matter should be put off for three months, till they have time to consider and report to the House how their interest will be affected. If neither they nor any other merchants, whose business it is to prevent the extravagant price of negroes, are admitted not so much as to vote, much less to a seat in the committee, the importers of slaves may set their own price, and raise what sums they please upon your planters. Would not this necessarily depopulate your colonies, and enhance the price of sugars? Nothing is more evident.

But perhaps it will be said, the trade has been mismanaged; it has dwindled to nothing in the hands of the committee-men chosen by the present freemen. Nothing can be farther from the truth. Before the trade was put upon its present footing, only 19,000 negroes were im-

ported. To what number do they now amount? To 50,000. Does this circumstance indicate mismanagement? Quite the reverse. I would therefore be very sure of the principles upon which I proceeded, before I would make any alteration in a system under which the trade has grown to this magnitude; nor would I favour one party to the prejudice of the other, when the election is so nigh.

Upon a division, 25 were for postponing the matter for three months, and 73 against it. Of course the bill was lost.

MOTION ON CERTAIN AMENDMENTS MADE BY THE LORDS TO A MONEY CLAUSE IN THE CORN BILL.

June 3.

THE Corn Bill was returned by the Lords with amendments, and particularly with this amendment, "That no bounty should be paid upon exported corn." Upon which, Governor Pownall said, that though the alterations were trifling and chiefly grammatical, yet he thought them, upon the whole, real improvements, and therefore would have made no objection to them, had not one been a flagrant encroachment upon the privileges of the House; that as the Lords, forgetful of their duty, had interfered in raising money by inserting the words, "that no bounty should be paid upon exported corn," he must move the House to reject the bill." Mr. Whitworth said, that though desirous of a good understanding between the two Houses, he must second the motion, as the amendment violated a privilege which had always belonged, and he hoped always would belong, to that House. It was then urged by other gentlemen, that no good understanding did subsist between the two Houses, and that therefore they ought the more to resent this affront and injury. The Speaker upon this declared, that he would do his part in the business, and toss the bill over the table.

Mr. BURKE said:

Mr. Speaker; I wish that there was not only a good understanding between the two Houses, but I also wish that there was a good understanding in one of them; and I wish both for the same reason — the better dispatch of the public business. Sir, when there is not an easy intercourse between the two Houses, when their doors are shut upon the members of each other, it is impossible to impart those mutual lights which are frequently necessary in the progress of a bill. For want of this communication and this knowledge, I aver that three bills were lately lost in the Lords, and among them this corn bill and the dissenters' bill. The Lords do not know what is going forward in this House; and, what is worse, they do not understand the principles of the constitution.

Sir, this privilege which they have now invaded, is a known and avowed right inherent in this House as the representatives of the people. For what do the Lords say, when they attempt to invade this privilege? Why, Sir, they plainly say to us and to the people, you shall no longer tax yourselves. Can liberty exist a moment, if we allow them to lay their sacrilegious hands upon this holy of holies, this palladium of the constitution? The most servile tool of administration will not have the face to defend this encroachment. What shall we say was the cause of this strange proceeding? Shall we call it absolute ignorance of the constitution, or an insidious trial of our ductility and acquiescence? I have seen enough of their conduct to make me think the former not impossible; and I know too much the sympathy subsisting between them and administration to deem the latter improbable. Suppose, then, we compound the matter, and ascribe this attempt partly to ignorance of the constitution, and partly to ministerial management. In so doing I believe we should not be much wide of the mark.

Sir, among the various attempts made by administration to overturn the constitution, that of taking from the people the power of taxing themselves would not be the least. The right of election being violated, there remained but

this, for which the right of election was originally preserved by the people. I hope, however, we are not yet so infamous and abandoned as to relinquish this essential point. It is not that I mean to make the breach between the two Houses wider; I have already endeavoured to shew, that, for the sake of the public, we should study harmony and unanimity. Nor is it my desire that we should return injury for injury. If we have received a base affront from the Lords, let us not copy their example, but set them a pattern of what their conduct ought to be. There is in the reciprocation of base affronts something that makes a liberal mind revolt. Who does not think himself degraded by turning upon a Wapping landlady, and giving her reproach for reproach? You cannot have any pleasure in kicking and being kicked. Let us not, then, imitate so shameful an example, but leave our doors open, even for the peerage. I do not say that they have deserved this at our hands: they have not: but let us forgive their weakness as a prelude to a reconciliation, and to the renewal of the old and regular manner of transacting business, an effort for the recovery of which we owe to our constituents, and to our own dignity.

But why do I talk of our dignity? That, Sir, is lost. I only contend for this point, as a necessary preparative to the proper management of the public business. Had gentlemen any feeling for the honour of the House, would they submit to the disgrace of waiting three hours in the lobby of the House of Lords, among their lordships' footmen? Sir, this has been my fate, when ordered by the House to carry their bills to the Lords; and I do not speak of it out of any personal pride, or as an indignity to myself, but as a flagrant disgrace to this House, which I apprehend is not inferior in rank to any other branch of the legislature. On the contrary, I hold that they are co-ordinate, and that no one is to claim a superiority. If, therefore, the Lords keep their House shut for fear of being exposed or disgraced by the publication of their speeches or opinions, or for any other cause, it will be necessary for this House, in support

of its own dignity, to appoint particular officers for carrying bills to the Upper House. Should they oblige us to sacrifice the public interest, we are under no necessity of sacrificing farther than we have our importance in the state. Though they frequently alter bills merely to shew their power, we need not suffer them to proceed to the annihilation of all our authority.'

The Bill was rejected *nem. con.*, and the Speaker tossed it over the table: several of the members on both sides of the question kicking it as they went out.

NAVY ESTIMATES.

December 2.

IN a committee of supply, to which the Navy Estimates for the year 1773 were referred,

Mr. BURKE rose and said:

Sir; for these two years past the King's Speech has announced peace to the public. There every thing was pacific on the continent — there foreign powers gave the strongest assurance of friendship and brotherly love: but what has been the language of his ministers? It has belied that of his majesty, who has annually the mortification of finding that his servants put words into his mouth, which the grants and supplies falsify. If our rivals are so averse from hostilities, why do not our ministers return to the old peace establishment? They have at last disclosed the secret, and informed us that this is not a peace establishment. Are we then at war? No, Sir, we are not engaged in open hostilities, but we maintain an armed peace. We have [illegible] and no peace, war and no war. We are in a state, to which the ingenuity of our ministry has yet found no apt name; but let the name be what it will, it is clear that

the language of the King's Speech, and the declarations of his wise ministers, are contradictory.

Nor, Sir, are they contradictory in one single instance: out of many take the following example: Last year his majesty declared, that "he would ask of his people no extraordinary aid." Yet, in the course of granting the supplies, a sum was taken out of the sinking fund, that sacred deposit, which should be appropriated to the diminution of the national debt; and it is evident, that as the sinking fund is the estate of the public as much as its lands and manufactures, a sum taken from it is as much a new tax or extraordinary aid as a new impost upon trade; or an additional shilling in the pound upon land. Such is the manner in which the wisdom of the present administration supports the dignity and veracity of that kind master to whom they owe their all.

It would be cruel, Sir, to charge the ostensible head of the ministry in this House with these egregious blunders. Had he, or his co-adjutors on the treasury-bench, any share in the composition of the King's Speech, had they indeed any communication with the author of it, they could not have been guilty of the absurdities remarked by the whole House at the opening of the session. The reduction of the price of provisions, which was recommended with so much parade of humanity and paternal affection from the throne, the persons who moved and seconded the address, could not have represented as a chimerical and impracticable plan. They could not have thrown such ridicule on the wisdom of the king, the cabinet, and the council; for, if ancient custom has not here been thrown aside as antiquated and unfashionable, the King's Speech must be the production of the joint wisdom of all three; and wise indeed must they be, if we may be allowed to judge from the late specimens of royal eloquence.

But to return. What, Sir, is the object of this extraordinary peace establishment? What is the object of the expensive armament in the East Indies? Has any new fleet sprung out of the ocean? Has an army dropt from the

clouds? Are the Marahtas or the Rohillas in motion? Do pirates infest the coast? Has the renowned Angria come again to life, or have the Chinese fitted out a squadron of junks to bombard Calcutta, and to shake the kings of Leadenhall upon their thrones? Sir, it does not appear that the powers of India are dreaded. The objects of ministerial dread are those friendly, those pacific powers, of whom his majesty has been taught to speak in such a handsome manner, and against whose machinations he is, notwithstanding, providing by loading his subjects with extraordinary burdens. Sir, the French are or are not in the East Indies. If they are not, withdraw your armament; if they are, by common consent recal your forces, or if they will not agree to so equitable a compromise, bravely declare war, and do not, under the name of peace, expose us to the expences of war. The people of this country will generously support you in a just cause.

Indeed, excess of generosity is our chief fault. Were not that the case, there would not have been occasion for this day's debate. It is our enthusiastic fondness for the naval service that has prevented the practice of appropriation and regular accounts in that department. Had we been as jealous of the navy as of the army, such a preposterous plan of disbursing the revenue could never have so long subsisted; nor would the present administration have had the sanction of custom and prescription to plead, for being trusted with a discretionary power of expending the money voted for the navy. How weak an argument prescription is in this case, they do not seem to feel; for, where interest is concerned, what will not men think an argument? *Stare super vias antiquas* is their political creed. What then! is this maxim to preclude every improvement, however obvious and necessary, in the constitution? The first enquiry, before we proceed to walk upon this old road is, whether we can be said *star bene*, and the next is, whether, if this be the case, we cannot *star meglio*. If the latter part of the alternative is beyond our reach, then *sto qui* becomes a necessary, as well as prudential conclusion.

But, Sir, who will pretend that the footing, upon which this part of the public accounts was left at the Revolution, is good, much less the best that can be devised? All respect is due to the authors of the Revolution; and yet it must be owned they were but novices in finance. They began to reduce the chaos of the public revenue to some order; and what they had neither sufficient time nor experience to complete, let us endeavour to carry to perfection. Let not the ministry draw their neck out of the halter, by saying, that they are not more culpable than the administration of 1766, and every other administration since the Revolution. The administration of 1766, having discovered the impropriety and bad economy that prevailed in the accounts of the navy, pledged themselves, by the mouth of Mr. Dowdeswell, chancellor of the exchequer, to introduce into that department the plan of appropriation, and to place it on a level with the rest of the service; and this they did unsolicited by opposition. They did not, like the present ministry, defend the ancient mode, and contend for an unlimited trust and discretionary power of expending the public money. But, supposing they had been thus indiscreet, thus regardless of every interest but their own, will the present ministry stand justified by adopting all the errors of all administrations? But they desire to be trusted: and why do they desire to be trusted? Why, truly, because they are in office. Sir, let this doctrine be noised abroad, and see how it will be relished. Trust you, because you are in office! The very reason why we will not trust you. Our constitution is founded on jealousy; and, because men are apt to betray their trust, it is laid down as a political axiom, that all ministers are knaves.

"Aye, but," say you, "we possess the lights and the experience of office; and you, unpossessed of these rare gifts, are not fit to act as judges. Leave, therefore, these matters to us. We shall give a good account of the two or three millions voted for the support of the navy. Grant us first the money as usual, and we shall afterwards give

you an account. Discharge you first the reckoning, and we shall afterwards produce you a bill of fare, with every item minutely specified." Sir, is this parliamentary language? It may be, as called by a gentleman of great natural and great acquired talents, good political reasoning; but surely it is not logical; for an account after payment is no account at all. Nor is it satisfactory to say that a member may call for the navy accounts; because such an extraordinary motion is invidious, and the expenditure of the yearly grants should come regularly and methodically before the House, without any uncommon effort of patriotic zeal.

Sir, when such a motion is made, may not some interested member get up and say, that some cause of suspicion should be previously shown? May it not be urged that the immaculate Lord Sandwich, or the upright Charles Fox, presides at the board of admiralty, and that it is ungenerous and unjust to insinuate any misconduct in such great characters? May it not be alleged, as now, that they have the lights of office, and that in comparison of them we are incompetent judges? This language has been actually held by the present ministry upon a similar occasion, upon the motion made to produce the papers that passed during the Spanish negociation.

Sir, the arguments employed to persuade us that no appropriation is here necessary, are equally applicable to every other part of the public service, particularly to the army accounts, which are very much governed by accident. Nor is it enough for administration to say, that they have not time to digest a proper plan, and that men out of office have more leisure for such an arduous task. They eat the bread of the public; their ostensible head enjoys 6,000*l.* a year, besides perquisites and adventures in the Alley, and profits upon secret committees. Other gentlemen are equally well provided for according to their station. Do not such emoluments deserve some industry and attention? Do not they call for some application of those lights derived from office? By their own state of the case, our

want of place has left not only our fortunes but our minds unimproved. Let them, then, exert some of those rare talents, which they inherit from nature and from office, for the public good, and perform that duty for which the caprice of fortune has left us unqualified.

BILL TO RESTRAIN THE EAST INDIA COMPANY FROM APPOINTING SUPERVISORS IN INDIA.

December 7.

THIS day Mr. Alderman Harley reported from the committee of secrecy appointed to enquire into the state of the East India Company, that it was the opinion of the committee, that a bill should be brought in for restraining the East India Company, for a time to be limited, from making any appointment of commissioners for superintending and regulating the Company's affairs at their presidencies in the East Indies. Lord North said it was the wish of government to make the East India Company a great and glorious Company, and to settle it upon a permanent foundation. They were going into an expensive commission, at a time when they were considerably in arrears to government, at an expence of 120,000*l.* Surely, then, it was the duty of parliament to preserve them from ruin. The noble lord said he was sure no hostile intentions were conceived against the Company; but the committee had judged it expedient a restraint should be laid; and as no such restraint could possibly be laid but by an act of parliament, a bill was to be brought in for that purpose.

Mr. BURKE said:

Sir; I rise up to thank the noble lord in office for his extreme bounty in assuring us, that no hostile intentions are designed against the East India Company, and that he wishes to make it a great and glorious company—for those are his pompous expressions,—and put it upon a

permanent footing. Three kings have entered an unfortunate kingdom with fire and sword, in order, I presume, to make it also a great and glorious kingdom, and secure to it its liberties and laws. They have published a manifesto to that purpose, which the noble lord has perhaps just received: and he gives it to you to-day, lest it might be stale to-morrow.

But, Sir, let us examine into this extraordinary matter: here is a committee appointed last year; a fair and open committee, which have produced nothing. This was the lawful wife publicly avowed; but finding her barren, they have taken a neat little snug one, which they call a secret committee, and this is her first-born. Indeed, from the singular expedition of this extraordinary delivery, I am apt to think she was pregnant before wedlock. Yet, after all, what is this report but a direct invasion of the company's charter? It is, Sir, a bill to suspend a law of the land; it is neither more nor less; and we are, after distressing the company, about to rob them of their charter, and overthrow their constitution. The noble lord does well, in saying, that he means to preserve the company from ruin: but he should previously have told you, that their ruin is the immediate consequence of his blunders. In the year 1767, administration plundered the company of 400,000*l.* and this I assert to have occasioned their present distress. If we suffer this bill to pass, we shall, in fact, become the East India company; and you, Sir, will be seated in that chair with a little hammer by an inch of candle. The Treasury bench will be the buyers and on this side we shall be the sellers. The senate will become an auction-room, and the Speaker an auctioneer. Shame upon such proceedings! Here is an end to confidence and public faith. Public faith! alas! that has long been given up; that has not been attended to for some years! However, I hope the House will let this report lie upon the table, until the secret committee shall have furnished us with more substantial reasons than have yet appeared for invading the charter of that company.

The House divided on the motion, That leave be given to bring in the said bill: Yeas 114: Noes 45. On the third reading of the bill, upon the 18th of December,

Mr. BURKE said:

Sir; the counsel have so ably performed their part, that I shall not attempt to measure over again the legal ground which they have trod. The bill, however, is of so unconstitutional and dangerous a complexion, that it demands something more than a silent vote; and I should think myself unworthy of the trust reposed in me by a part of the people, were I to sit an idle hearer on such an occasion. I know, indeed, that the same qualifications now a-days make a good member of parliament that formerly made a good monk. "*Tria faciunt monachum — Bene loqui de superiore — legere breviarium taliter qualiter — et sinere res vadere ut vadunt.*" In English, "Speak well of the minister — Read the lesson he sets you, *taliter qualiter*, and let the state take care of itself — *sine res vadere ut vadunt.*" These — for the other side of the House must recognize the picture — these are the first and best recommendations of a modern senator. Ability, integrity, knowledge of business, a judgment of your own. — But why do I talk of such antiquated accomplishments? These and a thousand other perfections are included in the two words "passive obedience."

The recollection, Sir, of this House's repeated acts of passive obedience and non-resistance has in me destroyed the active influence of two of the most powerful passions of the human mind — surprise and indignation. Formerly I have upon the passing of some votes and resolutions sat here fixed in amazement, not able to account to myself for the strangeness of your conduct in sacrificing a permanent to a temporary interest. I have passed many a sleepless night in alternate fits of contempt and wrath, meditating with myself some scheme of reformation, some remedy to the evils with which I saw such pernicious measures threatened my country. But, Sir, the heat of youth has

subsided, its keener feelings are blunted. Time, that softens every calamity, has laid his headlong hands upon me, and rendered me less tremblingly alive to the wounds aimed at liberty. In spite of what is said by a gentleman at the door, who tells us that we are as young as ever, I feel age coming upon me, and with it I feel that the constitution is not growing younger. Hopeless, however, as I am, I cannot help calling to mind the Roman maxim, *De respublica non desperandum.* Though all human institutions, being born with the seeds of mortality in their very frame, must perish; yet, as the body politic is not in every respect similar to the human body, let us cherish the idea, if not of its immortality, at least of its renovation and long continuance in health and vigour.

Sir, this bill is grounded upon the report of your secret committee. Now, if the report itself be not well grounded, neither can the bill, which is the superstructure. That the report is ill founded is clear from hence, that the expence of the commission is the only reason stated, and that reason is by no means valid. Your committee asked—"Might not the savings intended for the payment of your commissioners be applied to the use of the Company?" "Yes," was the answer. But had they, as in justice bound, proceeded one step farther, and asked, "Can these savings be made without the commission," the answer would have been "No:" and the foundation of the report would have given way, and the whole fabric of this bill tumbled to the ground.

Equally absurd, Sir, is the objection to the commission drawn from its giving the governor and council a vote in the deliberation of the supervisors, and from the eventual death of one or two of the supervisors. The commission requires the actual presence of three supervisors in every resolution; and the casting vote is in the first of the three; the governor, the commander in chief, and the second in council, making the other three inferior assessors. Hence the supervisors have power, if they see cause, to dismiss the governor and the whole council; and in every case

they have the controul in their hands. Nor can death, except four, or above one half die, prevent them from acting with effect; and in that case they cannot act at all. Thus it appears, that the ministerial arguments on this head proceed from inattention to the subject — from absolute ignorance of the tenour and purport of the commission.

Sir, the commission being thus free from those inconsistencies and absurdities with which it has been charged by some respectable but ill informed members, where is the wonder that the proprietary, when solicited, did not rescind their resolution of sending out supervisors? Sir, the Company dares not imitate this House; it dares not undo to-day what it did yesterday; to enact and repeal alternately is the exclusive privilege of this assembly —

"Diruit, ædificat, mutat quadrata rotundis."

Such levity and inconsistence would be too presumptuous an usurpation in the East India Company.

Sir, when the Company is thus tender of encroaching upon any of our rights, is it not cruel, is it not ungenerous, in administration to harass it with two committees: with a committee of secrecy founded on the principles of the inquisition, and with a select committee, which is declared by one of its friends to be a mockery of the Company? A gentleman, who generally votes with administration, finds the bill to be illegal, inexpedient, and alarming; and he finds the secret committee to be an inquisition too rapid and violent in its motions. Another friend of the minister declares the select committee so slow in its progress as to be a perfect mockery. What is to become of the Company between both? I protest I can compare them to nothing but a jack. The select committee is the slow-moving weight, the secret committee is the flyer; and what with the slow motion of the one, and the rapid motion of the other, the Company is effectually roasted.

But, Sir, this is not the first instance of the tender mercies of parliament to the East India Company. In the

reign of William the Third, they were obliged to bribe both king and parliament, and to compound for their existence, by a part of their wealth. What has been their fate in the reign of George the Third? The minister, under the specious pretext of serving, ruins them; and, in order to repair the damage which his unskilfulness has occasioned, offers you a bill that makes a breach in the constitution. Sir, in former times, a servant of the crown durst not hazard such a measure; and perhaps this is the first instance in which so open an attempt has been made to cover ministerial incapacity, under the ruins of the constitution.

Sir, in the year 1767, administration discovered, that the East India Company were guardians to a very handsome and rich lady in Hindostan. Accordingly, they set parliament in motion: and parliament, (whether from love to her person or fortune is, I believe, no problem) directly became a suitor, and took the lady into its tender, fond, grasping arms, pretending all the while that it meant nothing but what was fair and honourable; that no rape or violence was intended; that its sole aim was to rescue her and her fortune out of the pilfering hands of a set of rapacious stewards, who had let her estate run to waste, and had committed various depredations. To drop the allegory — parliament took the state of the East India Company's trade and revenue under its consideration. And what was the ostensible object of this enquiry? Five reasons were assigned; the maintenance of the public faith, the support of public credit, the encrease of the Company's trade, the encrease of its revenues, and the security of the stock-holders.

Well, Sir, this grand and salutary plan was entered upon; books upon books, and papers upon papers were brought up and piled upon your table in such numbers, that the copying of the very extracts cost an honourable gentleman behind me 300*l*. The subject was considered and reconsidered; debate succeeded debate, and resolution succeeded resolution. One-and-forty times did the House

sit upon this business, and more than once till four o'clock in the morning. What Sir, was the result?

"Quid dignum tanto feret hic promissor hiatu?"

What did this mountain in labour bring forth? No mouse, I assure you, but a fair round sum of 400,000*l.* a year to government. In this manner did parliament provide for the maintenance of the public faith, and the support of public credit! In this manner did parliament encrease the Company's trade and revenue, and give security to the stockholders! When the Company came down handsomely, and furnished a reasonable sum to pay off the arrears of the civil list, — arrears so honourably and usefully contracted, — the five reasons were forgot. The eyes of parliament were dazzled, and could no longer see how to make any regulations for securing the permanence and stability of that lucrative bargain which it had made.

The Company, without any formed system, without the aid of precedent, without the light of experience, without chart or compass, was allowed to steer at random through this perilous ocean. What wonder that they lost their course? The wonder would have been, if assisted by no lights, but by those communicated by servants, interested through the fear of past embezzlement, and the prospect of future peculation to mislead, they had not been bewildered and lost. The distress of the Company arises from the improvidence of administration, and the short-sightedness of parliament, in not forming for it a system of government suitable to its form and constitution. Or, am I mistaken, and were the affairs of the Company designedly left in confusion? Were the directors left without any effectual controul over delinquent servants? Was the collection of the revenues left without any check? Was the tyranny of a double government, like our double cabinet, tolerated with the view of seeing the concerns of the Company become an absolute chaos of disorder, and of giving government a handle for seizing the territorial revenue? I know that

this was the original scheme of administration, and I violently suspect that it never has been relinquished.

Sir, if the ministry have no sinister view, if they do not mean by this unconstitutional step to extend the influence of the crown, they will now speak out and explicitly declare their intentions. Silence will be justly deemed a confession of guilt; and they will without any injury be considered as the determined enemies of the liberty of their country. God knows that the places and pensions and expectancies furnished by the British establishment, are too powerful for the small remains of patriotism and public spirit in our island. What, then, will become of us, if *Bengal*, if the Ganges pour in a new tide of corruption? Should the evil genius of British liberty so ordain it, I fear this House will be so far from removing the corruption of the East, that it will be corrupted by them. I dread more from the infection of that place, than I hope from your virtue. Was it not the sudden plunder of the East that gave the final blow to the freedom of Rome? What reason have we to expect a better fate?

I conjure you by every thing that man ought to hold sacred; I conjure you by the spirits of your forefathers who so nobly fought and bled for the cause for which I now plead; I conjure you by what includes every thing, by your country, not to yield to the temptations which the East in the hands of the crown holds out, not to sink into the gulf of corruption, and drag after you your posterity, your country. I obtest heaven and earth, that in all places, and at all times, I have hitherto shoved by the gilded hand of corruption, and endeavoured to stem the torrent which threatens to overwhelm this land; and from such temptations I pray God of his infinite mercy ever to preserve me! Sir, I hope the House is not offended; I only repeat the Lord's prayer, and beseech him not to lead me into temptation, but deliver me from evil. And surely it becomes me to be diffident of my own virtue and self-denial, when the very pillars of this House [here Mr. Burke looked at Sir William Meredith] have been shaken, and given way.

Upon the whole, Sir, the bill is dangerous in itself, as being the first step towards a total invasion of the Company's territories in Bengal; and, supposing the motives good, yet it is dangerous for the example — unconstitutional acts founded on unconstitutional motives, springing from unconstitutional acts founded on constitutional motives. An author who is more spoken of than read, I mean Aristotle, declares that acts of this nature have the most pernicious consequences, and accelerate the ruin of every state. I do not, however, deny that you have power to pass this act. Yes, Sir, you have the power; but you have not the right. There is a perpetual confusion in gentlemen's ideas from inattention to this material distinction; from which properly considered it will appear, that this bill is contrary to the eternal laws of right and wrong — laws that ought to bind all men, and above all men legislative assemblies.

The Bill was passed, on a division, by 153 to 28.

PROTESTANT DISSENTERS' RELIEF BILL.

March 7. 1773.

NOTWITHSTANDING the fate of the Dissenters' bill last year in the House of Lords, another, upon similar principles, but with some additions, was this session brought into the House of Commons by Sir Henry Hoghton. After the motion for going into a committee on the bill had been opposed by Sir William Bagot and Mr. Page,

Mr. BURKE rose and said:

I assure you, Sir, that the honourable gentleman who spoke last but one, need not be in the least fear that I should make a war of particles upon his opinion, whether the church of England should, would, or ought to be

alarmed. I am very clear that this House has no one reason in the world to think she is alarmed by the bill brought before you. It is something extraordinary that the only symptom of alarm in the church of England should appear in the petition of some dissenters; with whom I believe very few in this House are yet acquainted; and of whom you know no more than that you are assured by the honourable gentleman, that they are not Mahometans. Of the church we know they are not, by the name that they assume. They are then dissenters. The first symptom of an alarm comes from some dissenters assembled round the lines of Chatham: these lines become the security of the church of England! The honourable gentleman, in speaking of the lines of Chatham, tells us, that they serve not only for the security of the wooden walls of England, but for the defence of the church of England. I suspect the wooden walls of England secure the lines of Chatham, rather than the lines of Chatham secure the wooden walls of England.

Sir, the church of England, if only defended by this miserable petition upon your table, must, I am afraid, upon the principles of true fortification, be soon destroyed. But fortunately her walls, bulwarks, and bastions, are constructed of other materials than of stubble and straw; are built up with the strong and stable matter of the gospel of liberty, and founded on a true, constitutional, legal establishment. But, Sir, she has other securities; she has the security of her own doctrine; she has the security of the piety, the sanctity of her own professors; their learning is a bulwark to defend her; she has the security of the two universities, not shook in any single battlement, in any single pinnacle.

But the honourable gentleman has mentioned, indeed, principles, which astonish me rather more than ever. The honourable gentleman thinks that the dissenters enjoy a large share of liberty under a connivance; and he thinks that the establishing toleration by law is an attack upon christianity.

The first of these is a contradiction in terms. Liberty under a connivance! Connivance is a relaxation from slavery, not a definition of liberty. What is connivance, but a state under which all slaves live? If I was to describe slavery, I would say with those, who hate it, it is living under will, not under law: if, as it is stated by its advocates, I would say, that, like earthquakes, like thunder, or other wars the elements make upon mankind, it happens rarely, it occasionally comes now and then upon people, who upon ordinary occasions enjoy the same legal government of liberty. Take it under the description of those who would soften those features, the state of slavery and connivance is the same thing. If the liberty enjoyed be a liberty not of toleration, but of connivance, the only question is, whether establishing such by law is an attack upon christianity. Toleration an attack upon christianity? What, then, are we to come to this pass, to suppose that nothing can support christianity, but the principles of persecution? Is that, then, the idea of establishment? Is it, then, the idea of christianity itself, that it ought to have establishments, that it ought to have laws against dissenters, but the breach of which laws is to be connived at? What a picture of toleration; what a picture of laws, of establishments; what a picture of religious and civil liberty! I am persuaded the honourable gentleman does not see it in this light. But these very terms become the strongest reasons for my support of the bill; for I am persuaded that toleration, so far from being an attack upon christianity, becomes the best and surest support, that possibly can be given to it. The christian religion itself arose without establishment, it arose even without toleration; and whilst its own principles were not tolerated, it conquered all the powers of darkness, it conquered all the powers of the world. The moment it began to depart from these principles, it converted the establishment into tyranny; it subverted its foundations from that very hour. Zealous as I am for the principle of an establishment, so just an abhorrence do I conceive against whatever may shake it. — I know nothing but the supposed

necessity of persecution, that can make an establishment disgusting. I would have toleration a part of establishment, as a principle favourable to christianity, and as a part of christianity.

All seem agreed that the law, as it stands, inflicting penalties on all religious teachers and on schoolmasters, who do not sign the thirty-nine articles of religion, ought not to be executed. We are all agreed that the law is not good; for that, I presume, is undoubtedly the idea of a law that ought not to be executed. The question therefore is, whether in a well-constituted commonwealth, which we desire ours to be thought, and, I trust, intend that it should be, whether in such a commonwealth it is wise to retain those laws, which it is not proper to execute? A penal law, not ordinarily put in execution, seems to me to be a very absurd and a very dangerous thing. For if its principles be right, if the object of its prohibitions and penalties be a real evil, then you do in effect permit that very evil, which not only the reason of the thing, but your very law, declares ought not to be permitted; and thus it reflects exceedingly on the wisdom, and consequently derogates not a little from the authority, of a legislature, who can at once forbid and suffer, and in the same breath promulgate penalty and indemnity to the same persons, and for the very same actions. But if the object of the law be no moral or political evil, then you ought not to hold even a terror to those whom you ought certainly not to punish — for if it is not right to hurt, it is neither right nor wise to menace. Such laws, therefore, as they must be defective either in justice or wisdom, or both, so they cannot exist without a considerable degree of danger. Take them which way you will, they are prest with ugly alternatives.

1st. All penal laws are either upon popular prosecution, or on the part of the crown. Now, if they may be roused from their sleep, whenever a minister thinks proper, as instruments of oppression, then they put vast bodies of men into a state of slavery and court dependence; since their liberty of conscience and their power of executing their

functions depend entirely on his will. I would have no man derive his means of continuing any function, or his being restrained from it, but from the laws only; they should be his only superior and sovereign lords.

2d. They put statesmen and magistrates into a habit of playing fast and loose with the laws, straining or relaxing them as may best suit their political purposes; and in that light tend to corrupt the executive power through all its offices.

3d. If they are taken up on popular actions, their operation in that light also is exceedingly evil. They become the instruments of private malice, private avarice, and not of public regulation; they nourish the worst of men to the prejudice of the best, punishing tender consciences, and rewarding informers.

Shall we, as the honourable gentleman tells us we may with perfect security, trust to the manners of the age? I am well pleased with the general manners of the times; but the desultory execution of penal laws, the thing I condemn, does not depend on the manners of the times. I would however have the laws tuned in unison with the manners — very dissonant are a gentle country, and cruel laws; very dissonant, that your reason is furious, but your passions moderate, and that you are always equitable except in your courts of justice.

I will beg leave to state to the House one argument, which has been much relied upon — that the dissenters are not unanimous upon this business; that many persons are alarmed; that it will create a disunion among the dissenters.

When any dissenters, or any body of people, come here with a petition, it is not the number of people, but the reasonableness of the request, that should weigh with the House. A body of dissenters come to this House, and say, "Tolerate us — we desire neither the parochial advantage of tithes, nor dignities, nor the stalls of your cathedrals: no! let the venerable orders of the hierarchy exist with all their advantages." And shall I tell them, I reject your just and

reasonable petition, not because it shakes the church, but because there are others, while you lie grovelling upon the earth, that will kick and bite you? Judge which of these descriptions of men comes with a fair request — that which says, Sir, I desire liberty for my own, because I trespass on no man's conscience; — or the other, which says, I desire that these men should not be suffered to act according to their consciences, though I am tolerated to act according to mine. But I sign a body of articles, which is my title to toleration; I sign no more, because more are against my conscience. But I desire that you will not tolerate these men, because they will not go so far as I, though I desire to be tolerated, who will not go as far as you. No, imprison them, if they come within five miles of a corporate town, because they do not believe what I do in point of doctrines.

Shall I not say to these men, 'arrangez vous, canaille?' You, who are not the predominant power, will not give to others the relaxation under which you are yourself suffered to live. I have as high an opinion of the doctrines of the church as you. I receive them implicitly, or I put my own explanation on them, or take that which seems to me to come best recommended by authority. There are those of the dissenters, who think more rigidly of the doctrine of the articles relative to predestination, than others do. They sign the article relative to it *ex animo*, and literally. Others allow a latitude of construction. These two parties are in the church, as well as among the dissenters; yet in the church we live quietly under the same roof. I do not see why, as long as Providence gives us no further light into this great mystery, we should not leave things as the Divine Wisdom has left them. But suppose all these things to me to be clear, (which Providence however seems to have left obscure,) yet whilst dissenters claim a toleration in things, which, seeming clear to me, are obscure to them, without entering into the merit of the articles, with what face can these men say, Tolerate us, but do not to-

lerate them? Toleration is good for all, or it is good for none.

The discussion this day is not between establishment on one hand, and toleration on the other, but between those who, being tolerated themselves, refuse toleration to others. That power should be puffed up with pride, that authority should degenerate into rigour, if not laudable, is but too natural. But this proceeding of theirs is much beyond the usual allowance to human weakness; it not only is shocking to our reason, but it provokes our indignation. "*Quid domini facient, audent cum talia fures?*" It is not the proud prelate thundering in his commission court, but a pack of manumitted slaves with the lash of the beadle flagrant on their backs, and their legs still galled with their fetters, that would drive their brethren into that prison-house from whence they have just been permitted to escape. If, instead of puzzling themselves in the depths of the Divine counsels, they would turn to the mild morality of the gospel, they would read their own condemnation — "O thou wicked servant, I forgave thee all that debt because thou desiredst me: shouldest not thou also have compassion on thy fellow-servant, even as I had pity on thee?"

In my opinion, Sir, a magistrate, whenever he goes to put any restraint upon religious freedom, can only do it upon this ground, that the person dissenting does not dissent from the scruples of ill-informed conscience, but from a party ground of dissension, in order to raise a faction in the state. We give, with regard to rights and ceremonies, an indulgence to tender consciences. But if dissent is at all punished in any country, if at all it can be punished upon any pretence, it is upon a presumption, not that a man is supposed to differ conscientiously from the establishment, but that he resists truth for the sake of faction; that he abets diversity of opinions in religion to distract the state, and to destroy the peace of his country. This is the only plausible, for there is no true ground of persecution. As the laws stand, therefore, let us see how we have thought fit to act.

If there is any one thing within the competency of a magistrate with regard to religion, it is this, that he has a right to direct the exterior ceremonies of religion; that whilst interior religion is within the jurisdiction of God alone, the external part, bodily action, is within the province of the chief governor. Hooker, and all the great lights of the church, have constantly argued this to be a part within the province of the civil magistrate; but look at the Act of Toleration of William and Mary, there you will see the civil magistrate has not only dispensed with those things, which are more particularly within his province, with those things which faction might be supposed to take up for the sake of making visible and external divisions, and raising a standard of revolt, but has also from sound politic considerations relaxed on those points which are confessedly without his province.

The honourable gentleman, speaking of the heathens, certainly could not mean to recommend any thing that is derived from that impure source. But he has praised the tolerating spirit of the heathens. Well! but the honourable gentleman will recollect that heathens, that polytheists, must permit a number of divinities. It is the very essence of its constitution. But was it ever heard that polytheism tolerated a dissent from a polytheistic establishment? the belief of one God only? Never, never! Sir, they constantly carried on persecution against that doctrine. I will not give heathens the glory of a doctrine, which I consider the best part of christianity. The honourable gentleman must recollect the Roman law, that was clearly against the introduction of any foreign rites in matters of religion. You have it at large in Livy, how they persecuted in the first introduction the rites of Bacchus: and even before Christ, to say nothing of their subsequent persecutions, they persecuted the Druids and others. Heathenism, therefore, as in other respects erroneous, was erroneous in point of persecution. I do not say, every heathen, who persecuted, was therefore an impious man: I only say he was mistaken, as such a man is now. But, says the ho-

nourable gentleman, they did not persecute Epicureans. No; the Epicureans had no quarrel with their religious establishment, nor desired any religion for themselves. It would have been very extraordinary, if irreligious heathens had desired either a religious establishment or toleration. But, says the honourable gentleman, the Epicureans entered, as others, into the temples. They did so; they defied all subscription; they defied all sorts of conformity; there was no subscription, to which they were not ready to set their hands, no ceremonies they refused to practise; they made it a principle of their irreligion outwardly to conform to any religion. These atheists eluded all that you could do; so will *all* freethinkers for ever. Then you suffer, or the weakness of your law has suffered, those great dangerous animals to escape notice, whilst you have nets, that entangle the poor fluttering silken wings of a tender conscience.

The honourable gentleman insists much upon this circumstance of objection, namely, the division amongst the dissenters. Why, Sir, the dissenters by the nature of the term are open to have a division among themselves. They are dissenters, because they differ from the church of England; not that they agree among themselves. There are Presbyterians, there are Independents, some, that do not agree to infant baptism, others, that do not agree to the abptism of adults, or any baptism. All these are however tolerated under the acts of King William, and subsequent acts; and their diversity of sentiments with one another did not, and could not, furnish an argument against their toleration, when their difference with ourselves furnished none.

But, says the honourable gentleman, if you suffer them to go on, they will shake the fundamental principles of Christianity. Let it be considered that this argument goes as strongly against connivance, which you allow, as against toleration, which you reject. The gentleman sets out with a principle of perfect liberty, or, as he describes it, connivance. But for fear of dangerous opinions, you leave it in

your power to vex a man, who has not held any one dangerous opinion whatsoever, If one man is a professed atheist, another man the best christian, but dissents from two of the 39 articles, I may let escape the atheist, because I know him to be an atheist, because I am, perhaps, so inclined myself, and because I may connive where I think proper; but the conscientious dissenter, on account of his attachment to that general religion, which perhaps I hate, I shall take care to punish, because I may punish when I think proper. Therefore, connivance being an engine of private malice or private favour, not of good government; an engine, which totally fails of suppressing atheism, but oppresses conscience; I say that principle becomes not serviceable, but dangerous to christianity; that it is not toleration, but contrary to it, even contrary to peace; that the penal system, to which it belongs, is a dangerous principle in the economy either of religion or government.

The honourable gentleman, and in him I comprehend all those who oppose the bill, bestowed in support of their side of the question as much argument as it could bear, and much more of learning and decoration than it deserved. He thinks connivance consistent, but legal toleration inconsistent, with the interests of christianity. Perhaps I would go as far as that honourable gentleman, if I thought toleration incon istent with those interests. God forbid! I may be mistaken, but I take toleration to be a part of religion. I do not know which I would sacrifice; I would keep them both; it is not necessary I should sacrifice either. I do not like the idea of tolerating the doctrines of Epicurus: but nothing in the world propagates them so much as the oppression of the poor, of the honest, and candid disciples of the religion we profess in common, I mean revealed religion; nothing sooner makes them take a short cut out of the bondage of sectarian vexation into open and direct infidelity, than tormenting men for every difference. My opinion is, that in establishing the christian religion wherever you find it, curiosity or research is its best security;

and in this way a man is a great deal better justified in saying, tolerate all kinds of consciences, that in imitating the heathens, whom the honourable gentleman quotes, in tolerating those who have none. I am not over fond of calling for the secular arm upon these misguided or misguiding men; but if ever it ought to be raised, it ought surely to be raised against these very men, not against others, whose liberty of religion you make a pretext for proceedings, which drive them into the bondage of impiety. What figure do I make in saying, I do not attack the works of these atheistical writers, but I will keep a rod hanging over the conscientious man, their bitterest enemy, because these atheists may take advantage of the liberty of their foes to introduce irreligion? The best book, that ever, perhaps, has been written against these people, is that, in which the author has collected in a body the whole of the infidel code, and has brought the writers into one body to cut them all off together. This was done by a dissenter, who never did subscribe the 39 Articles — Dr. Leland. But if, after all, this danger is to be apprehended, if you are really fearful that christianity will indirectly suffer by this liberty, you have my free consent; go directly, and by the straight way, and not by a circuit, in which in your road you may destroy your friends, point your arms against these men, who do the mischief you fear promoting: point your arms against men, who, not contented with endeavouring to turn your eyes from the blaze and effulgence of light, by which life and immortality is so gloriously demonstrated by the gospel, would even extinguish that faint glimmering of nature, that only comfort supplied to ignorant man before this great illumination — them, who by attacking even the possibility of all revelation, arraign all the dispensations of Providence to man. These are the wicked dissenters you ought to fear; these are the people against whom you ought to aim the shaft of the law; these are the men to whom, arrayed in all the terrors of government, I would say, you shall not degrade us into brutes; these men, these factious men, as

the honourable gentleman properly called them, are the just objects of vengeance, not the conscientious dissenter; these men, who would take away whatever ennobles the rank, or consoles the misfortunes of human nature, by breaking off that connexion of observances, of affections, of hopes and fears which bind us to the Divinity, and constitute the glorious and distinguishing prerogative of humanity, that of being a religious creature; against these I would have the laws rise in all their majesty of terrors, to fulminate such vain and impious wretches, and to awe them into impotence by the only dread they can fear or believe; to learn that eternal lesson — *Discite justitiam moniti, et non temnere Divos.*

At the same time that I would cut up the very root of atheism, I would respect all conscience; all conscience that is really such, and which perhaps its very tenderness proves to be sincere. I wish to see the established church of England great and powerful; I wish to see her foundations laid low and deep, that she may crush the giant powers of rebellious darkness; I would have her head raised up to that heaven to which she conducts us. I would have her open wide her hospitable gates by a noble and liberal comprehension; but I would have no breaches in her wall; I would have her cherish all those who are within, and pity all those who are without; I would have her a common blessing to the world, an example, if not an instructor, to those who have not the happiness to belong to her; I would have her give a lesson of peace to mankind, that a vexed and wandering generation might be taught to seek for repose and toleration in the maternal bosom of christian charity, and not in the harlot lap of infidelity and indifference. Nothing has driven people more into that house of seduction than the mutual hatred of christian congregations. Long may we enjoy our church under a learned and edifying episcopacy. But episcopacy may fail, and religion exist. The most horrid and cruel blow that can be offered to civil society is through atheism. Do not promote diversity; when you have it, bear it; have as many

sorts of religion as you find in your country; there is a reasonable worship in them all. The others, the infidels, are outlaws of the constitution; not of this country, but of the human race. They are never, never to be supported, never to be tolerated. Under the systematic attacks of these people, I see some of the props of good government already begin to fail; I see propagated principles, which will not leave to religion even a toleration. I see myself sinking every day under the attacks of these wretched people — How shall I arm myself against them? By uniting all those in *affection who are united in the belief of the great principles of the Godhead, that made and sustains the world.* They who hold revelation give double assurance to their country. Even the man who does not hold revelation, yet who wishes that it were proved to him, who observes a pious silence with regard to it, such a man, though not a christian, is governed by religious principles. Let him be tolerated in this country. Let it be but a serious religion, natural or revealed, take what you can get; cherish, blow up the slightest spark. One day it may be a pure and holy flame. By this proceeding you form an alliance offensive and defensive, against those great ministers of darkness in the world who are endeavouring to shake all the works of God established in order and beauty.

Perhaps I am carried too far, but it is in the road into which the honourable gentleman has led me. The honourable gentleman would have us fight this confederacy of the powers of darkness with the single arm of the church of England; would have us not only fight against infidelity, but fight at the same time with all the faith in the world except our own. In the moment we make a front against the common enemy, we have to combat with all those who are the natural friends of our cause. Strong as we are, we are not equal to this. The cause of the church of England is included in that of religion, not that of religion in the church of England. I will stand up at all times for the rights of conscience, as it is such, not for its particular modes against its general principles. One may be right,

another mistaken; but if I have more strength than my brother, it shall be employed to support, not oppress his weakness; if I have more light, it shall be used to guide, not to dazzle him. * * * * * * * * * * *

The fortune of this bill was exactly the same as that of the preceding year; it was carried through all its stages in the one House by a great majority, and rejected in the same manner by the other.

East India Company's Affairs.

March 23.

THE House having resolved itself into a committee to consider of the affairs of the East India Company, Lord North moved the following resolutions: 1st, "That, in case a sum of money shall be advanced by the public, for the relief of the East India Company, the Company ought to be restrained from increasing their dividend beyond six per cent. per annum, until such money shall have been repaid. 2d. "That in case a sum of money shall be advanced by the public, for the relief of the East India Company, the Company ought to be restrained from increasing their dividend beyond seven per cent. per annum, until their bond debt shall be reduced to 1,500,000*l.*" The first resolution being read,

Mr. BURKE spoke nearly as follows:

He said he had long experienced the inefficacy of his arguments and the weakness of his reasoning powers, when employed in opposition to any proposal, how absurd soever, that came from the opposite side of the House; that to differ in opinion from the noble lord was a kind of political heresy, which the noble lord's more orthodox friends

resented as a crime of the deepest dye; that to harangue against the measures of a wretched administration, was to grate the jarring sounds of discord upon the ears of too many in that House; that it was inharmonious, and, like some string that struck not in unison, it produced, in the opinion of some, the most unpleasing and unmusical concord imaginable. He said, that the gentlemen in office had the means in their power of attuning all their instruments to perfect harmony; and that they had made proper use of such means could not be doubted with a shadow of propriety; but as he still continued the same unmusical, unpleasing, discordant creature, he should venture a few observations, disgustful enough he knew to some, though if they should prove so to all, upon the slightest intimation of the kind, he would sit down, and desist from giving further offence.

Having thus dispatched his exordium, Mr. Burke next stated the propositions he meant to prove, the most material of which were the following: 1. That the East India Company were not before the House. 2. That if ever they were before the House, they had been brought there by force, fraud, and menaces. 3. That the treaty between the government and the Company was, on the side of the government, iniquitous in every part. 4. That with respect to the territorial acquisition, not one lawyer, with a rag of a gown upon his back, or a wig with one tie, had given it as his opinion, that the right to these possessions was vested in the crown, and not in the Company. 5. That the pretence of rectifying abuses, of nourishing, fostering, and protecting the Company, was only made with a design of fleecing the Company. 6. That the French East India Company, under a government truly despotic, was yet in a better situation than the English East India Company, under a government which pretended to liberty. 7. That in respect to the mode of conducting itself towards its East India Company, the French government was an angelic government, compared with the English government, in its conduct towards its East India Company.

8. That the very vote then about to pass was such an infringement upon charter-rights as the spirit of Englishmen ought not to brook; and such a violation of the constitution, as might indeed be paralleled, but could not be exceeded in the annals of any country, how despotic soever.

To prove the first proposition, "that the East India Company was not before the House," Mr. Burke argued thus:—He said, that the act of the Company was contained in the whole of the proposals laid before the House: that the House was to treat with the Company in its corporate capacity, and to accept or reject the whole of its acts; that to accept of part of the Company's proposals, reject the rest, and ingraft new proposals of its own upon those offered by the Company, was to drop the idea of a treaty between parliament and a corporate body, and to assume an unconstitutional right over the Company; it was, in short, to all intents and purposes, to destroy the charter-rights of the Company. The act of the Company, therefore, being contained in the whole of the proposals; and the whole of the proposals not being before the House, it followed, that the Company was not virtually before the House, in the only sense that a company of the kind could be before the House, namely, by its acts.

To prove the second proposition, "that if the Company was now or ever had been before the House, it was brought there by force, fraud, and menaces," Mr. Burke went historically into a detail of the first treaty entered into with the Company in the year 1767. He said, that a shrill voice, (Mr. Beckford's) something like the call of a huntsman to the early horn, came from that side of the House to the following purport: "Look to the East." That the bait which tempted the administration of that time was thirteen millions of specie. To the populace without doors was held out the allurement of "no additional tax upon porter." To the landed gentlemen within was proposed that tempting circumstance of "no land tax." No, no, said Mr. Burke, our English nabobs make

no scruple to dispense with taxes of every kind! Thus allured by the prospect of the thirteen millions, administration forced the Company to open a treaty; and to expedite the proposals on the Company's side, menaces were then, as now, thrown out, and the threats to deprive the Company of its territorial acquisitions had so far the effects intended, that administration raised in their demands in proportion to the alacrity shewn by the Company to enter into treaty; the fraud on the part of administration lay in exacting from the Company an annual payment of 400,000*l.* at a time when the Company was actually involved, and incapable of paying 40,000*l.* a-year: yet this very Company, so incapacitated, was forced to accede to an agreement to pay 400,000*l.* yearly to government, to prevent the threats fulminated by administration from taking effect, in which case the Company was to be robbed of its territories acquired by grant, by conquest, or otherwise! So that this treaty was begun by force, carried on by fraud, and concluded by the means of despotic menaces.

To prove the third proposition, "that the treaty between government and the Company was, on the side of government, altogether iniquitous," Mr. Burke contended thus: The pretext for interfering in the Company's affairs was in 1767 the same as in 1773: mismanagement, corruption, frauds, and peculations of every kind, were said to have been committed by the Company's servants both at home and abroad. Have these evils been rectified? Have any of the criminals been summoned before you? Has their conduct been enquired into? Not one single suspected person has been examined; not a man, against whom a charge was exhibited, has been catechized as to his demerits. On the contrary, if the evils complained of did really exist; if the whole of the management of the Company's affairs was one scene of bloodshed, rapine, violence, and perfidy abroad; of corruption, stock-jobbing, trick, villainy, and artifice at home; you ministers, at the same time that you held out this as a reason for entering at all into an examination of the Company's affairs, you, I say, sancti-

fied this bloodshed, this rapine, this villainy, this extortion; you gave a sanction to these crimes, and granted a royal permit for the Company's servants to practise them in future for the valuable consideration of 400,000*l.* This was the price of blood; this was the assessment made by administration; this crime-tax being agreed to, we heard no more of mal-practices! The sinners were arrayed in white-robed innocence; their misdeeds were more than atoned for by an expiatory sacrifice of the pecuniary kind.

What is now advanced, said Mr. Burke, will hold with respect to the Company's territorial acquisitions; the lawyers equivocated when the question was agitated; one said, "the Company's territorial possessions we held by grant under office, and not by conquest;" another said, that "the crown, though it could not claim them by a legal right, yet ought, *per fas aut nefas*, to enjoy them;" but I, said Mr. Burke, was one of many who combated this doctrine upon either of those grounds laid down by some men; for I then said, and I do now say, that the Company's possessions were not gained by conquest, and therefore the crown can have no right to them; or granting them to be all gained by conquest, that even then the crown has no right to them. Mr. Burke concluded by asserting, that no lawyer with a rag of a gown upon his back, or a tie grizzle upon his head, had ventured positively to assert, that the crown had any right to the territorial possessions of the East India Company.

Mr. Burke slightly touched upon his fifth proposition; for he said it was notorious, that past administrations had professed to have the Company's welfare at heart, at the very time when they were plundering it; and he had not, he said, conceived a more favourable opinion of the intentions of the present set of ministers. Respecting the French East India Company, Mr. Burke said, that the King of France had taken their affairs entirely into his own hand; that when they were in a deplorable situation, he took their debts upon himself, and had since punctually discharged them: that in the worst of times he had permitted

them to divide five per cent. In short, that he and his ministers had acted, compared with our king and his ministers, with respect to their East India Company, like angels; and that the French East India Company, by the monarch's friendly hand, had flourished more in a land of despotism than the English East India Company ever had done in a land of boasted liberty; but that our liberty consisted in boasting only; that it was imaginary and not real, was, Mr. Burke said, but too apparent.

In proof of which he referred to his eighth proposition; for what, says he, are you now about to do? Are you not going to invade the rights of the Company as invested in them by charter? Have you such an authority by the constitution? No. Are you not going to assume it? Yes. Are you not, as my noble friend (Lord John Cavendish) has observed—are you not going to seize the executive power, and illegally to deprive the directors of the Company of their rights? For to them and not to you the declaration of a dividend appertains. But further, upon what grounds do you presume thus to declare a dividend of six per cent.? Have you stated any accounts? Have you proved to us that the Company can afford to pay even this dividend? For you talk much of their bankrupt situation. Without stating therefore a single account, you declare the Company able to divide six per cent. though not able to divide more; and to prove this, you bring no sort of authority, you produce no voucher, but deal out assertions, illegally dispose of the property of thousands, and beg us to believe, upon the credit of your own words, that you are acting all the time for the Company's benefit!

You talk of the mismanagement of the Company's servants; you talk of their quitting the trading for the military path. Who first occasioned their acting in this manner? It was the intrigues of the French that first drew them aside from trade to war, and you have been accessary to these intrigues. But even in a military capacity, our East India Company has done what never company did before it has maintained its forces at its own expence; so that an

army is to be raised, to be paid in order to prosecute wars into which you have drawn the Company; and if any acquisitions are made, the King is to seize them, as of right belonging to himself: if the Company is not able to pay 40,000*l.* you are to force it to pay 400,000*l.*, and if, by means of your thus plundering it, the Company is reduced to a state of bankruptcy, to restore its credit, you are to infringe upon its rights; to settle its affairs, you are to adjust its dividends; and to rectify its abuses, you are to deprive it of the liberty of sending out officers for the purpose.

But to what has all your boasted attention to the public credit of this, or any other company, amounted? Even to the entire destruction of that public credit which you have pretended to save. The East India Company's bonds were never at so low an ebb as since you intermeddled with their affairs: bank stock has fell, though not so much as it would had your intermeddling fingers been more concerned. In short, with daily professions in your mouths of preserving public credit, hitherto every kind of stock upon which you have laid your pestiferous hands has perished by the touch, and public credit, about the preservation of which you talk so much, is almost annihilated amongst us.

The Resolutions were agreed to without a division.

April 5.

The House having again resolved itself into a committee of the whole House on the affairs of the East India Company, Lord North moved, 1. "That it may be for the mutual benefit of the public and the East India Company, that the territorial acquisitions and revenues lately obtained in India should, under proper restrictions and regulations, remain in the possession of the Company during a term not exceeding six years, to commence from the expiration of the present agreement between the public and the Company: 2. That, during the said term, the public should forego all participation in the produce

thereof, until the Company shall have repaid such sum of money as shall be advanced by the public for the relief of the Company, and until the bond debt of the Company shall be reduced to 1,500,000*l.*: And 3. That, from thenceforth, during the remainder of the said term, three-fourth parts of the surplus net profits of the Company at home, above the sum of 8*l.* per cent. per annum upon their capital stock, should be paid into the Exchequer, for the use of the public; and the remaining fourth part be applied, either in further reducing the Company's bond debt, or for composing a fund, to be set apart for the use of the Company, in case of extraordinary emergencies."

Mr. BURKE rose, and arraigned the conduct of administration. He said, that as to the right of the public to the territorial acquisitions, when it served the purpose of the ministry, it was contended for in the most peremptory manner; but when an assertion of that right militated against their measures, then administration loudly announced the nullity of the claim; or, if the legality of the claim was admitted, the bad policy of exercising it was strenuously contended for.

A right, said Mr. Burke, implied something settled, and established by certain known rules and maxims: it implied, in short, a legal decision: for to talk of a right where no legal decision had been obtained, was to talk of a non-entity, and yet to argue as if it had an actual existence.

If you have a right (continued Mr. Burke) — if you have a right, upon what one maxim of law or equity is it founded? When was this right juridically discussed, and finally determined? On what day was the decision given? In what court are we to look for the record of this decision? To what does this right extend? To all, or only to some of the territorial acquisitions? If only to some, of what nature are they? How specified, described, and distinguished from the rest? If you have a right to *all* the Company's territorial acquisitions, you truly *begin* a redress of their grievances in a peculiar manner; to restore

the ruined state of their finances, you plunder them of their property; and to re-establish the Company's affairs on a permanent basis, you suffer not the proprietors to have a foot of land in India which they can call their own!

Mr. Burke continued to observe, that an easy and simple method had been proposed of adjusting the Company's affairs, such as, if adopted, would have done honour to administration. But that this plan was rejected, and another had been preferred, contradictory to every principle of law, of equity, and the policy of nations. Mr. Burke added, that he had searched into the laws and constitution of this country. I have studied, said he, God knows: hard have I studied, even to the making dogs-ears of almost every statute book in the kingdom, and I now thus publicly and solemnly declare, that all you have been doing, and all you are about to do, in behalf of the East India Company, is impolitic, is unwise, and entirely repugnant to the letter as well as the spirit of the laws, the liberties, and the constitution of this country.

Mr. Burke further said, that the East India Company, annexed as an appendage to the British empire, rendered the whole an object of too vast a magnitude for the capacity of any administration whatever to grasp. That in the present dearth of genius, domestic occurrences were almost too much for the understandings of ministers: that the East India Company tied about their necks, would, like a mill-stone, drag them down into an unfathomable abyss; that it was well if it dragged not this nation along with them; for that, for his part, he always had had his fears, and would now venture to prophecy his apprehensions, that this cursed Company would at last, viper-like, be the destruction of the country which fostered it in her bosom.

To strengthen this prediction, Mr. Burke referred to the total want of principle so observable amongst all ranks and degrees of people. The ministry, he said, were not to blame; it was the people, who were grown so indifferent to the welfare of their country on the one hand, and so

grossly corrupt on the other, that there was no proposal, how destructive soever to the liberties of the kingdom, which a ministry could make, but what the people would readily comply with. They were, Mr. Burke said, a most servile degenerate herd, destitute of capacity to distinguish, or virtue to relish, what was good. In the proceedings relative to the East India Company's affairs, the justness of these censures was verified to a tittle; the people followed the cry of the ministry, changed as they changed, and varied their tones to keep even a discordant shameness with their masters. Do the ministry assert the public's right to the territorial possessions of the Company? "Oh," say the parliament and the people, "to be sure they have a right." Do the ministry talk of restraining? It is echoed back by the people, "by all means restrain." Is punishment hinted at? "Punish to the utmost," reply the people. Is lenity recommended? "Mercy is Heaven's darling attribute," rejoin the herd. Thus, not a single absurdity can be broached, nor a principle can the ministry lay down to-day, and contradict to-morrow, but votaries to these contradictions are instantly found among the people! Men have not strength of mind to think for themselves, the higher rank are all supineness, all indolent acquiescence, all ignorance; the vulgar are a set that will abuse at random, and are to be led on to commit crimes the most atrocious, if headed by some despicable wretch who has an interest to promote, by setting them together by the ears. This has been the case; the miller has belaboured the chimney-sweeper, and the chimney-sweeper the miller, and they now only wait the word of command to recommence the fray.

Mr. Burke observed, that these were sentiments not calculated to gain him popularity; nor did his opposition to the ministry arise from a latent view of getting into employment; it was dictated by the genuine opinion and sense he had of the measures now pursuing, which were such as had the completion of the plan of despotism for their end; that this plan he had hitherto and would continue to oppose with all his powers, with all the strength of

reasoning of which he was master; that as to the East India Company, he foresaw it would be the destruction of this country; but that, for his part, he would sooner have the Company itself totally overthrown; he would sooner see it fall to ruin about his ears, than have the base of the English constitution undermined, or a single pillar, which contributed to the support of so excellent a structure, receive the slightest fracture, or be defaced in the minutest part.

The Resolution was agreed to without a division.

Boston Port Bill.

March 25, 1774.

ON the 14th of March, Lord North moved for leave to bring in a bill "for the immediate removal of the officers concerned in the collection and management of His Majesty's duties and customs from the town of Boston, in the province of Massachusets Bay, in North America; and to discontinue the landing and discharging, lading and shipping of goods, wares, and merchandize at the said town of Boston, or within the harbour thereof." The bill was accordingly brought in, and on the 25th of March, upon the motion that the bill do pass,

Mr. Burke said:

I trouble you, Sir, in the last stage of this bill, because I would not appear petulent when my objections run to the whole of it. I never knew any thing that has given me a more heart-felt sorrow than the present measure. This bill is attempted to be hastened through the House in such a manner, that I can by no means assent to it: it is to be carried by force and threats into execution; and you have even refused to hear Mr. Bollan, the agent, declaring him to be no agent for Massachusets Bay, or not properly autho-

rised by them to present such petition; you have not now one left in England to be heard in behalf of any of the colonies; the only obstruction that this bill has had, has been owing to its own *vis inertiæ*; but persons who oppose this bill, are immediately put to the same kind of punishment in the public papers which offenders in America are. Look, Sir, into the public papers, you will see Cinna, and a thousand other Roman names, throwing out their invectives, and tarring and feathering all those who dare oppose the bill. I suppose I shall reap my share for this opposition: but, Sir, at all events, I will enter my protest against this bill, and will mount my little palfrey, and speak of the injustice which the bill contains with the greatest confidence. The grievance which is stated in the papers before you on the table, appears to be an universal resistance from all America against any goods or merchandize that shall be loaded with taxes.

Mr. Burke desired that that part of General Haldiman's letter, declaring the resolution of the Americans not to submit to receive goods with duty upon them, might be read: he read the extract he had made in his place; he said, the whole meeting in the town of Boston consisted of six or seven hundred men of the first rank and opulent fortune in the place; that the proceedings were conducted with the utmost decency. He said, this was not a meeting of mean persons, but that the acts of resistance were all countenanced by universal consent. Observe, said he, that the disturbances are general; shew me one port in all America where the goods have been landed and vended; the distemper is general, but the punishment is local, by way of exchange. Whether it will be effectual or not, I do not know; but, Sir, let me paint to this House the impropriety of a measure like this; it is a remedy of the most uncertain operation; view but the consequence, and you will repent the measure; give orders at once to your admirals to burn and destroy the town; that will be both effectual, proper, and moderate, and of a piece with the rest of your proceedings, *eventus tristis*. One town in proscription, the rest in rebellion,

can never be a remedial measure for general disturbances. Have you considered whether you have troops and ships sufficient to enforce an universal proscription to the trade of the whole continent of America? If you have not, the attempt is childish, and the operation fruitless. Only, Sir, see the consequence of blocking up one port; for instance, that of Virginia Bay; which, if you do you will destroy the tobacco trade, and thereby bring, as it were, a certain ruin on your own merchants at Glasgow and Edinburgh. This bill has been thought a vigorous, but not a rigorous punishment. It is my opinion that you might even punish the individuals who committed the violence, without involving the innocent: I should approve much of that; but, Sir, to take away the trade from the town of Boston, is surely a severe punishment. Would it not be a rigorous measure to take away the trade of the Thames, for instance, and direct the merchandize to be landed at Gravesend?

I call this bill most unjust, for is it not fundamentally unjust to prevent the parties who have offended from being heard in their defence? Justice, Sir, is not to be measured by geographical lines nor distances. Every man, Sir, is authorised to be a magistrate, to put a stop to disturbances which he perceives to be committed against his majesty's peace; but did you expect that the people who were not present at such disturbances, would be equally punished for not aiding and assisting in putting an end to those riots which they never saw or heard of? This, Sir, is surely the doctrine of devils, to require men to be present in every part of America wherever a riot happens: but this bill involves those who have never in the least been guilty; and then you again say, that the disturbances which did happen ought to have been immediately put a stop to by the people of Boston, and that they were bound to preserve the good order of the town; but, Sir, I have too much reverence for the image of God to conceive that the honourable gentleman (Mr. Welbore Ellis) does really and truly imbibe such a doctrine.

Mr. Burke then read part of Colonel Leslie's letter, No. 45. wherein the colonel said, that "neither the governor, nor the council, nor any of the custom-house officers, have ever yet applied to me for any assistance; if they had, I could most certainly have put a stop to all their riot and violences, but not without some bloodshed, and firing upon their town, and killing many innocent people." Why, Sir, did not the governor at once send for this assistance? Was it contrary to, or do you think he would have broke through his instructions if he had endeavoured, by such ways and means, to preserve the public peace, and prevent violences from being committed? The fault of this governor ought not to be the means of punishment for the innocent. You have found that there was no government there. Why did not the governor exercise his authority? Why did not the ships execute their duty? What was the reason they did not act? Why is not Mr. Hancock, and the chief people who are known, punished, and not the innocent involved with the guilty in one universal calamity? You surely, Sir, cannot have power to take away the trade of a port, and call it privilege! Why was not your force that was present applied to quell the disturbances? How came they to be so feeble and inactive? How are you sure that the orders and frigates which you now send will act better? I cannot think this, by any means, a prudent measure, in blocking up one port after another; the consequence will be dreadful, and I am afraid destructive; you will draw a foreign force upon you, perhaps, at a time when you little expect it; I will not say where that will end; I will be silent upon that head, and go no farther; but think, I conjure you, of the consequence.

Again, Sir, in one of the clauses of the bill you proscribe the property of the people, to be governed and measured by the will of the crown. This is a ruinous and dangerous principle to adopt. There is an universal discontent throughout all America, from an internal bad government. There are but two ways to govern America; either to make

it subservient to all your laws, or to let it govern itself by its own internal policy. I abhor the measure of taxation where it is only for a quarrel, and not for a revenue; a measure that is teazing and irritating without any good effect; but a revision of this question will one day or other come, wherein I hope to give my opinion. But this is the day, then, that you wish to go to war with all America, in order to conciliate that country to this; and to say that America shall be obedient to all the laws of this country. I wish to see a new regulation and plan of a new legislation in that country, not founded upon your laws and statutes here, but grounded upon the vital principles of English liberty.

The bill was then passed.

American Taxation.

April 19.

THIS day, Mr. Rose Fuller, member for Rye, made the following motion: "That an act made in the seventh year of the reign of his present majesty, intituled 'An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthen ware exported to America: and for more effectually preventing the clandestine running of goods in the said colonies and plantations;' might be read." And the same being read accordingly; he moved, "That this House will, upon this day sevennight, resolve itself into a committee of the whole House, to take into consideration the duty of 3*d.* per pound weight upon tea, payable in all his majesty's dominions in America, imposed by the said act; and also the appropriation of the said duty." On this latter motion a warm and interesting debate arose, in which

Mr. BURKE spoke as follows: *

Sir; I agree with the honourable gentleman † who spoke last, that this subject is not new in this House. Very disagreeably to this House, very unfortunately to this nation, and to the peace and prosperity of this whole empire, no topic has been more familiar to us. For nine long years, session after session, we have been lashed round and round this miserable circle of occasional arguments and temporary expedients. I am sure our heads must turn, and our stomachs nauseate with them. We have had them in every shape; we have looked at them in every point of view. Invention is exhausted; reason is fatigued; expe-

* The above Speech was published by Mr. Burke, with the following PREFACE:

"The following speech has been much the subject of conversation; and the desire of having it printed was last summer very general. The means of gratifying the public curiosity were obligingly furnished from the notes of some gentlemen, members of the last parliament.

"This piece has been for some months ready for the press. But a delicacy, possibly over scrupulous, has delayed the publication to this time. The friends of administration have been used to attribute a great deal of the opposition to their measures in America to the writings published in England. The editor of this speech kept it back, until all the measures of government have had their full operation, and can be no longer affected, if ever they could have been affected, by any publication.

"Most readers will recollect the uncommon pains taken at the beginning of the last session of the last parliament, and indeed during the whole course of it, to asperse the characters, and decry the measures, of those who were supposed to be friends to America; in order to weaken the effect of their opposition to the acts of rigour then preparing against the colonies. The speech contains a full refutation of the charges against that party with which Mr. Burke has all along acted. In doing this, he has taken a review of the effects of all the schemes which have been successively adopted in the government of the plantations. The subject is interesting; the matters of information various and important; and the publication at this time, the editor hopes, will not be thought unseasonable."

† Charles Wolfran Cornwall, Esq. lately appointed one of the lords of the treasury.

rience has given judgment; but obstinacy is not yet conquered.

The honourable gentleman has made one endeavour more to diversify the form of this disgusting argument. He has thrown out a speech composed almost entirely of challenges. Challenges are serious things; and as he is a man of prudence as well as resolution, I dare say he has very well weighed those challenges before he delivered them. I had long the happiness to sit at the same side of the House, and to agree with the honourable gentleman on all the American questions. My sentiments, I am sure, are well known to him; and I thought I had been perfectly acquainted with his. Though I find myself mistaken, he will still permit me to use the privilege of an old friendship, he will permit me to apply myself to the House under the sanction of his authority; and, on the various grounds he has measured out, to submit to you the poor opinions which I have formed, upon a matter of importance enough to demand the fullest consideration I could bestow upon it.

He has stated to the House two grounds of deliberation; one narrow and simple, and merely confined to the question on your paper: the other more large and more complicated; comprehending the whole series of the parliamentary proceedings with regard to America, their causes, and their consequences. With regard to the latter ground, he states it as useless, and thinks it may be even dangerous, to enter into so extensive a field of inquiry. Yet, to my surprise, he had hardly laid down this restrictive proposition, to which his authority would have given so much weight, when directly, and with the same authority, he condemns it; and declares it absolutely necessary to enter into the most ample historical detail. His zeal has thrown him a little out of his usual accuracy. In this perplexity what shall we do, Sir, who are willing to submit to the law he gives us? He has reprobated in one part of his speech the rule he had laid down for debate in the other; and, after narrowing the ground for all those who are to speak after him, he takes

an excursion himself, as unbounded as the subject and the extent of his great abilities.

Sir, when I cannot obey all his laws, I will do the best I can. I will endeavour to obey such of them as have the sanction of his example; and to stick to that rule, which, though not consistent with the other, is the most rational. He was certainly in the right when he took the matter largely. I cannot prevail on myself to agree with him in his censure of his own conduct. It is not, he will give me leave to say, either useless or dangerous. He asserts, that retrospect is not wise; and the proper, the only proper, subject of inquiry, is "not how we got into this difficulty, but how we are to get out of it." In other words, we are, according to him, to consult our invention, and to reject our experience. The mode of deliberation he recommends is diametrically opposite to every rule of reason, and every principle of good sense established amongst mankind. For, that sense and that reason, I have always understood, absolutely to prescribe, whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures, in order to correct our errors if they should be corrigible; or at least to avoid a dull uniformity in mischief, and the unpitied calamity of being repeatedly caught in the same snare.

Sir, I will freely follow the honourable gentleman in his historical discussion, without the least management for men or measures, further than as they shall seem to me to deserve it. But before I go into that large consideration, because I would omit nothing that can give the House satisfaction, I wish to tread the narrow ground to which alone the honourable gentleman, in one part of his speech, has so strictly confined us.

He desires to know, whether, if we were to repeal this tax, agreeably to the proposition of the honourable gentleman who made the motion, the Americans would not take post on this concession, in order to make a new attack on the next body of taxes; and whether they would not call for a repeal of the duty on wine as loudly as they do now

for the repeal of the duty on tea? Sir, I can give no security on this subject. But I will do all that I can, and all that can be fairly demanded. To the *experience* which the honourable gentleman reprobates in one instant, and reverts to in the next; to that experience, without the least wavering or hesitation on my part, I steadily appeal; and would to God there was no other arbiter to decide on the vote with which the House is to conclude this day!

When parliament repealed the stamp act in the year 1766, I affirm, first, that the Americans did *not* in consequence of this measure call upon you to give up the former parliamentary revenue which subsisted in that country; or even any one of the articles which compose it, I affirm also, that when, departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the colonists with new jealousy, and all sorts of apprehensions, then it was that they quarrelled with the old taxes, as well as the new; then it was, and not till then, that they questioned all the parts of your legislative power; and by the battery of such questions have shaken the solid structure of this empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that however the contrary may be whispered in circles, or bawled in newspapers, they never more will dare to raise their voices in this House. I speak with great confidence. I have reason for it. The ministers are with me. *They* at least are convinced that the repeal of the stamp act had not, and that no repeal can have, the consequences which the honourable gentleman who defends their measures is so much alarmed at. To their conduct, I refer him for a conclusive answer to this objection. I carry my proof irresistibly into the very body of both ministry and parliament; not on any general reasoning growing out of collateral matter, but on the conduct of the honourable gentleman's ministerial friends on the new revenue itself.

The act of 176-, which grants this tea duty, sets forth in its preamble, that it was expedient to raise a revenue in

America, for the support of the civil government there, as well as for purposes still more extensive. To this support the act assigns six branches of duties. About two years after this act passed, the ministry, I mean the present ministry, thought it expedient to repeal five of the duties, and to leave (for reasons best known to themselves) only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the minister*, "Condemning, as you do, the repeal of the stamp act, why do you venture to repeal the duties upon glass, paper, and painters colours? Let your pretence for the repeal be what it will, are you not thoroughly convinced, that your concessions will produce, not satisfaction, but insolence in the Americans; and that the giving up these taxes will necessitate the giving up of all the rest?" This objection was as palpable then as it is now; and it was as good for preserving the five duties as for retaining the sixth. Besides, the minister will recollect, that the repeal of the stamp act had but just preceded his repeal; and the ill policy of that measure (had it been so impolitic as it has been represented), and the mischiefs it produced, were quite recent. Upon the principles therefore of the honourable gentleman, upon the principles of the minister himself, the minister has nothing at all to answer. He stands condemned by himself, and by all his associates old and new, as a destroyer, in the first trust of finance, of the revenues: and in the first rank of honour, as a betrayer of the dignity of his country.

Most men, especially great men, do not always know their well-wishers. I come to rescue that noble lord out of the hands of those he calls his friends; and even out of his own. I will do him the justice he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs which give so much alarm to his honourable friend. His work was not bad in its principle, but imperfect in its exe-

* Lord North, then chancellor of the exchequer.

cution; and the motion on your paper presses him only to complete a proper plan, which, by some unfortunate and unaccountable error, he had left unfinished.

I hope, Sir, the honourable gentleman who spoke last, is thoroughly satisfied, and satisfied out of the proceedings of ministry on their own favourite act, that his fears from a repeal are groundless. If he is not, I leave him, and the noble lord who sits by him, to settle the matter, as well as they can together; for if the repeal of American taxes destroys all our government in America — He is the man! — and he is the worst of all the repealers, because he is the last.

But I hear it rung continually in my ears, now and formerly, — "the preamble! what will become of the preamble, if you repeal this tax?" — I am sorry to be compelled so often to expose the calamities and disgraces of parliament. The preamble of this law, standing as it now stands, has the lie direct given to it by the provisionary part of the act; if that can be called provisionary which makes no provison. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the ancient household troops of that side of the house, and the new recruits from this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness; but plain truth and clear evidence can be beat down by no ability. The clerk will be so good as to turn to the act, and to read this favourite preamble:

"*Whereas it is* expedient *that a revenue should be raised* "*in your majesty's dominions in America, for making a more* "certain *and* adequate *provision for defraying the charge of* "*the* administration of justice, and support of civil govern- "ment, *in such provinces where it shall be found necessary;* "*and towards* further defraying *the expences of* defending, "protecting, and securing the said dominions."

You have heard this pompous performance. Now where is the revenue which is to do all these mighty things? Five sixths repealed — abandoned — sunk — gone — lost for

ever. Does the poor solitary tea duty support the purposes of this preamble? Is not the supply there stated as effectually abandoned as if the tea duty had perished in the general wreck? Here, Mr. Speaker, is a precious mockery — a preamble without an act — taxes granted in order to be repealed — and the reasons of the grant still carefully kept up! This is raising a revenue in America! This is preserving dignity in England! If you repeal this tax in compliance with the motion, I readily admit that you lose this fair preamble. Estimate your loss in it. The object of the act is gone already; *and all you suffer* is the purging the statute-book of the opprobrium of an empty, absurd, and false recital.

It has been said again and again, that the five taxes were repealed on commercial principles. It is so said in the paper in my hand *; a paper which I constantly carry about; which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not; for, if your government in America is destroyed by the *repeal of taxes*, it is of no consequence upon what ideas the repeal is grounded. Repeal this tax too upon commercial principles if you please. These principles will serve as well now as they did formerly. But you know that either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. This commercial motive never was believed by any man, either in America, which this letter is meant to soothe, or in England, which it is meant to deceive. It was impossible it should. Because every man, in the least acquainted with the detail of commerce, must know, that several of the articles on which the tax was repealed, were fitter objects of duties than almost any other articles that could possibly be chosen; without comparison more so, than the tea that was left taxed; as infinitely less liable to be

* Lord Hillsborough's circular letter to the governors of the colonies concerning the repeal of some of the duties laid in the act of 1767.

eluded by contraband. The tax upon red and white lead was of this nature. You have in this kingdom an advantage in lead that amounts to a monoply. When you find yourself in this situation of advantage, you sometimes venture to tax even your own export. You did so, soon after the last war; when, upon this principle, you ventured to impose a duty on coals. In all the articles of American contraband trade, who ever heard of the smuggling of red lead, and white lead? You might, therefore, well enough, without danger of contraband, and without injury to commerce (if this were the whole consideration) have taxed these commodities. The same may be said of glass. Besides, some of the things taxed were so trivial, that the loss of the objects themselves and their utter annihilation out of American commerce, would have been comparatively as nothing. But is the article of tea such an object in the trade of England, as not to be felt, or felt but slightly, like white lead and red lead, and painters colours? Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connexions, of any in the mighty circle of our commerce. If commercial principles had been the true motives to the repeal, or had they been at all attended to, tea would have been the last article we should have left taxed for a subject of controversy.

Sir, it is not a pleasant consideration; but nothing in the world can read so awful and so instructive a lesson, as the conduct of ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the state looked at the whole of your complicated interests in one connected view. They have taken things, by bits and scraps, some at one time and one pretence, and some at another, just as they pressed, without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties, into which they had proudly strutted. And they were put to all these shifts and devices, full of meanness and full of

mischief, in order to pilfer piecemeal a repeal of an act, which they had not the generous courage, when they found and felt their error, honourably and fairly to disclaim. By such management, by the irresistible operation of feeble councils, so paltry a sum as three-pence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe.

Do you forget that, in the very last year, you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India Company; and you well know what sort of things are involved in the comprehensive energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin. Such was your representation — such, in some measure, was your case. The vent of ten millions of pounds of this commodity, now locked up by the operation of an injudicious tax, and rotting in the warehouses of the Company, would have prevented all this distress, and all that series of desperate measures which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part of the world can furnish but America; where tea is next to a necessary of life; and where the demand grows upon the supply. I hope our dear-bought East India committees have done us at least so much good, as to let us know, that without a more extensive sale of that article our East India revenues and acquisitions can have no certain connexion with this country. It is through the American trade of tea that your East India conquests are to be prevented from crushing you with their burthen. They are ponderous indeed; and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once the

benefit of the west and of the east. This folly has thrown open folding doors to contraband: and will be the means of giving the profits of the trade of your colonies to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. For on what principle does it stand? This famous revenue stands, at this hour, on all the debate, as a description of revenue not as yet known in all the comprehensive (but too comprehensive!) vocabulary of finance — *a preambulary tax.* It is indeed a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a tax for any thing but benefit to the imposers, or satisfaction to the subject.

Well! but whatever it is, gentlemen will force the colonists to take the teas. You will force them? Has seven years struggle been yet able to force them? O but it seems "we are in the right. — The tax is trifling — in effect it is rather an exoneration, than an imposition; three-fourths of the duty formerly payable on teas exported to America is taken off; the place of collection is only shifted; instead of the retention of a shilling from the drawback here, it is three-pence custom paid in America." All this, Sir, is very true. But this is the very folly and mischief of the act. Incredible as it may seem, you know that you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of getting one three-fourths less, through every hazard, through certain litigation, and possibly through war.

The manner of proceeding in the duties on paper and glass imposed by the same act, was exactly in the same spirit. There are heavy excises on those articles when used in England. On export, these excises are drawn back. But instead of withholding the drawback, which might have been done, with ease, without charge, without possibility of smuggling; and instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue; you allowed the whole drawback on export, and

then you charged the duty (which you had before discharged) payable in the colonies; where it was certain the collection would devour it to the bone; if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

Could any thing be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues and your clearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition of three-pence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

It is then, Sir, upon the *principle* of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts, that it is expedient to raise a revenue in America; your act of 1769, which takes away that revenue, contradicts the act of 1767; and, by something much stronger than words, asserts, that it is not expedient. It is a reflexion upon your wisdom to persist in a solemn parliamentary declaration of the expediency of any object, for which, at the same time, you make no sort of provision. And pray, Sir, let not this circumstance escape you; it is very material; that the preamble of this act, which we wish to repeal, is not *declaratory of right*, as some gentlemen seem to argue it; it is only a recital of the *expediency* of a certain exercise of a right supposed already to have been asserted; an exercise you are

now contending for by ways and means, which you confess, though they were obeyed, to be utterly insufficient for their purpose. You are therefore at this moment in the awkward situation of fighting for a phantom; a quiddity; a thing that wants not only a substance but even a name; for a thing which is neither abstract right nor profitable enjoyment.

They tell you, Sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you; for it has of late been ever at war with your interest, your equity, and every idea of your policy. Shew the thing you contend for to be reason; shew it to be common sense; shew it to be the means of attaining some useful end; and then I am content to allow it what dignity you please. But what dignity is derived from the perseverance in absurdity is more than I ever could discern. The honourable gentleman has said well — indeed, in most of his *general* observations I agree with him — he says, that this subject does not stand as it did formerly. Oh, certainly not! every hour you continue on this ill-chosen ground, your difficulties thicken on you; and therefore my conclusion is, remove from a bad position as quickly as you can. The disgrace, and the necessity of yielding, both of them, grow upon you every hour of your delay.

But will you repeal the act, says the honourable gentleman, at this instant when America is in open resistance to your authority, and that you have just revived your system of taxation? He thinks he has driven us into a corner. But thus pent up, I am content to meet him; because I enter the lists supported by my old authority, his new friends, the ministers themselves. The honourable gentleman remembers, that about five years ago as great disturbances as the present prevailed in America on account of the new taxes. The ministers represented these disturbances as treasonable; and this house thought proper, on that representation, to make a famous address for a revival, and for a new application, of a statute of Henry VIII. We be-

sought the king, in that well-considered address, to enquire into treasons, and to bring the supposed traitors from America to Great Britain for trial. His majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the house to resist these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the honourable gentleman, was then given as a reason for shutting the door against all hope of such an alteration. And so strong was the spirit for supporting the new taxes, that the session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the speech from the throne proceeds:

"*You have assured me of your* firm *support in the* pro-
" secution *of them. Nothing, in my opinion, could be more*
" *likely to enable the well disposed among my subjects in that*
" *part of the world effectually to discourage and defeat the*
" *designs of the factious and seditious, than the hearty con-*
" *currence of every branch of the legislature, in* maintaining
" the execution of the laws in every *part of my dominions.*"

After this no man dreamt that a repeal under this ministry could possibly take place. The honourable gentleman knows as well as I, that the idea was utterly exploded by those who sway the house This speech was made on the ninth day of May, 1769. Five days after this speech, that is, on the 13th of the same month, the public circular letter, a part of which I am going to read to you, was written by Lord Hillsborough, secretary of state for the colonies. After reciting the substance of the king's speech, he goes on thus:

"*I can take upon me to assure you, notwithstanding in-*
" *sinuations to the contrary, from men with* factious and
" seditious views, *that his majesty's* present administration
" have at no time entertained a design to propose to par-
" liament to lay any further taxes upon America, for the
" purpose of RAISING A REVENUE; *and that it is*
" *at present their intention to propose, the next session of*

" *parliament, to take off the duties upon glass, paper, and* " *colours, upon consideration of such duties* having been laid " contrary to the true principles of commerce.

" *These have* always *been, and* still are, *the sentiments of his* " majesty's present servants; *and by which their conduct in* " respect to America has been governed. *And* his majesty " *relies upon your prudence and fidelity for such an explana-* " *tion of* his *measures, as may tend to remove the prejudices* " *which have been excited by the misrepresentations of those* " *who are enemies to the peace and prosperity of Great* " *Britain and her colonies; and to re-establish that mutual* " confidence and affection, *upon which the glory and safety* " *of the British empire depend.*"

Here, Sir, is a canonical book of ministerial scripture; the general epistle to the Americans. What does the gentleman say to it? Here a repeal is promised; promised without condition; and while your authority was actually resisted. I pass by the public promise of a peer relative to the repeal of taxes by this house. I pass by the use of the king's name in a matter of supply, that sacred and reserved right of the Commons. I conceal the ridiculous figure of parliament, hurling its thunders at the gigantic rebellion of America; and then five days after, prostrate at the feet of those assemblies we affected to despise: begging them, by the intervention of our ministerial sureties, to receive our submission, and heartily promising amendment. These might have been serious matters formerly; but we are grown wiser than our fathers. Passing, therefore, from the constitutional consideration to the mere policy, does not this letter imply, that the idea of taxing America for the purpose of revenue is an abominable project; when the ministry suppose none but *factious* men, and with seditious views could charge them with it? Does not this letter adopt and sanctify the American distinction of *taxing for a revenue?* Does it not formally reject all future taxation on that principle? Does it not state the ministerial rejection of such principle of taxation, not as the occasional, but the constant opinion of the king's ser-

vants? Does it not say (I care not how consistently), but does it not say, that their conduct with regard to America has been *always* governed by this policy? It goes a great deal further. These excellent and trusty servants of the king, justly fearful lest they themselves should have lost all credit with the world, bring out the image of their gracious sovereign from the inmost and most sacred shrine, and they pawn him as a security for their promises. — "*His majesty* relies on your prudence and fidelity for such an explanation of *his* measures." These sentiments of the minister, and these measures of his majesty, can only relate to the principle and practice of taxing for a revenue; and accordingly Lord Botetourt, stating it as such, did, with great propriety, and in the exact spirit of his instructions, endeavour to remove the fears of the Virginian assembly, lest the sentiments, which it seems (unknown to the world) had *always* been those of the ministers, and by which *their* conduct in *respect to America had been governed*, should by some possible revolution, favourable to wicked American taxes, be hereafter counteracted. He addresses them in this manner: "*It may possibly be objected, that, as his majesty's present administration* are not immortal, *their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform; and to that objection I can give but this answer; that it is my firm opinion, that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I for ever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am or ever shall be legally invested, in order to obtain and* maintain *for the continent of America that* satisfaction *which I have been authorised to promise this day, by the* confidential *servants of our gracious Sovereign, who to my certain knowledge rates his honour so high*, that he would rather part with his crown, than preserve it by deceit."*

* A material point is omitted by Mr. Burke in this speech, viz. *the manner in which the continent received this royal assurance.* The as-

A glorious and true character! which (since we suffer his ministers with impunity to answer for his ideas of taxation) we ought to make it our business to enable his majesty to preserve in all its lustre. Let him have character, since ours is no more! Let some part of government be kept in respect!

This epistle was not the letter of Lord Hillsborough solely; though he held the official pen. It was the letter of the noble lord upon the floor*, and of all the king's then ministers, who (with I think the exception of two only) are his ministers at this hour. The very first news that a British parliament heard of what it was to do with the duties which it had given and granted to the king, was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we knew to a certainty, how much exactly, and not a scruple more or less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had *confidential* communications from his majesty's *confidential* servants. We were nothing but instruments. Do you, after this, wonder, that you have no weight and no respect in the colonies? After this, are you surprised, that parliament is every day and every where losing (I feel it with sorrow, I utter it with reluctance) that reverential affection, which so endearing a name of authority ought ever to carry with it; that you are obeyed solely from respect to the bayonet; and that this

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sembly of Virginia, in their address in answer to lord Botetourt's speech, express themselves thus: "We will not suffer our present hopes, arising from the pleasing prospect your lordship hath so kindly opened and displayed to us, to be clouded by the bitter reflection that any *future* administration will entertain a wish to depart from that *plan* which affords the surest and most permanent foundation of public tranquillity and happiness: No, my lord, we are sure *our most gracious sovereign*, under whatever changes may happen in his confidential servants, will remain immutable in the ways of truth and justice, and that he is *incapable of deviating into unsatisfactory subjects*; and we esteem your lordship's information not only as warranted, but even sanctified *by the royal word*."

* Lord North.

house, the ground and pillar of freedom, is itself held up only by the treacherous under-pinning and clumsy buttresses of arbitrary power?

If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with any concession. If in the session of 1768, that session of idle terror and empty menaces, you had, as you were often pressed to do, repealed these taxes; then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. But, preposterously, you began with violence; and before terrors could have any effect, either good or bad, your ministers immediately begged pardon, and promised that repeal to the obstinate Americans which they had refused in an easy, good-natured, complying British parliament. The assemblies, which had been publicly and avowedly dissolved for *their* contumacy, are called together to receive *your* submission. Your ministerial directors blustered like tragick tyrants here; and then went mumping with a sore leg in America, canting and whining, and complaining of faction, which represented them as friends to a revenue from the colonies. I hope nobody in this house will hereafter have the impudence to defend American taxes in the name of ministry. The moment they do, with this letter of attorney in my hand, I will tell them, in the authorised terms, they are wretches, "with factious and seditious views; enemies to the peace and prosperity of the mother country and the colonies," and subverters "of the mutual affection and confidence on which the glory and safety of the British empire depend."

After this letter, the question is no more on propriety or dignity. They are gone already. The faith of your sovereign is pledged for the political principle. The general declaration in the letter goes to the whole of it. You must therefore either abandon the scheme of taxing; or you must send the ministers tarred and feathered to America,

who dared to hold out the royal faith for a renunciation for all taxes for revenue. Them you must punish, or this faith you must preserve. The preservation of this faith is of more consequence than the duties on *red lead*, or *white lead*, or on broken *glass*, or *atlas-ordinary*, or *demy-fine*, or *blue royal*, or *bastard*, or *fool's-cap*, which you have given up; or the three-pence on tea which you retained. The letter went stamped with the public authority of this kingdom. The instructions for the colony government go under no other sanction; and America cannot believe, and will not obey you, if you do not preserve this channel of communication sacred. You are now punishing the colonies for acting on distinctions, held out by that very ministry which is here shining in riches, in favour, and in power; and urging the punishment of the very offence to which they had themselves been the tempters.

Sir, if reasons respecting simply your own commerce, which is your own convenience, were the sole grounds of the repeal of the five duties, why does lord Hillsborough, in disclaiming in the name of the king and ministry their ever having had an intent to tax for revenue, mention it as the means "of re-establishing the confidence and affection of the colonies?" Is it a way of soothing *others*, to assure them that you will take good care of *yourself*? The medium, the only medium, for regaining their affection and confidence, is, that you will take off something oppressive to their minds. Sir, the letter strongly enforces that idea: for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting "the insinuations of men with factious and seditious views," is, by a disclaimer of the intention of taxing for revenue, as a constant invariable sentiment and rule of conduct in the government of America.

I remember that the noble lord on the floor, not in a former debate to be sure, (it would be disorderly to refer to it, I suppose I read it somewhere,) but the noble lord was pleased to say, that he did not conceive how it could

enter into the head of man to impose such taxes as those of 1767; I mean those taxes which he voted for imposing, and voted for repealing; as being taxes, contrary to all the principles of commerce, laid on *British manufactures*.

I dare say the noble lord is perfectly well read, because the duty of his particular office requires he should be so, in all our revenue laws; and in the policy which is to be collected out of them. Now, Sir, when he had read this act of American revenue, and a little recovered from his astonishment, I suppose he made one step retrograde (it is but one), and looked at the act which stands just before in the statute book. The American revenue-act is the forty-fifth chapter; the other to which I refer is the forty-fourth of the same session. These two acts are both to the same purpose; both revenue acts; both taxing out of the kingdom; and both taxing British manufactures exported. As the forty-fifth is an act for raising a revenue in America, the forty-fourth is an act for raising a revenue in the Isle of Man. The two acts perfectly agree in all respects, except one. In the act for taxing the Isle of Man, the noble lord will find (not, as in the American act, four or five articles,) but almost the *whole body* of British manufactures, taxed from two and a half to fifteen per cent., and some articles, such as that of spirits, a great deal higher. You did not think it uncommercial to tax the whole mass of your manufactures, and, let me add, your agriculture too; for, I now recollect, British corn is there also taxed up to ten per cent., and this too in the very head-quarters, the very citadel of smuggling, the Isle of Man. Now will the noble lord condescend to tell me why he repealed the taxes on your manufactures sent out to America, and not the taxes on the manufactures exported to the Isle of Man? The principle was exactly the same, the objects charged infinitely more extensive, the duties, without comparison, higher. Why? why, notwithstanding all his childish pretexts, because the taxes were quietly submitted to in the Isle of Man; and because they raised a flame in America.

Your reasons were political, not commercial. The repeal was made, as lord Hillsborough's letter well expresses it, to regain "the confidence and affection of the colonies, on which the glory and safety of the British empire depend." A wise and just motive surely, if ever there was such. But the mischief and dishonour is, that you have not done what you had given the colonies just cause to expect, when your ministers disclaimed the idea of taxes for a revenue. There is nothing simple, nothing manly, nothing ingenuous, open, decisive, or steady, in the proceeding, with regard either to the continuance or the repeal of the taxes. The whole has an air of littleness and fraud. The article of tea is slurred over in the circular letter, as it were by accident—nothing is said of a resolution either to keep that tax, or to give it up. There is no fair dealing in any part of the transaction.

If you mean to follow your true motive and your publick faith, give up your tax on tea for raising a revenue, the principle of which has, in effect, been disclaimed in your name; and which produces you no advantage; no, not a penny. Or, if you choose to go on with a poor pretence instead of a solid reason, and will still adhere to your cant of commerce, you have ten thousand times more strong commercial reasons for giving up this duty on tea, than for abandoning the five others that you have already renounced.

The American consumption of teas is annually, I believe, worth 300,000*l.* at the least farthing. If you urge the American violence as a justification of your perseverance in enforcing this tax, you know that you can never answer this plain question—Why did you repeal the others given in the same act, whilst the very same violence subsisted? —But you did not find the violence cease upon that concession. No! because the concession was far short of satisfying the principle which lord Hillsborough had abjured! or even the pretence on which the repeal of the other taxes was announced; and because, by enabling the

East India Company to open a shop for defeating the American resolution not to pay that specific tax, you manifestly shewed a hankering after the principle of the act which you formerly had renounced. Whatever road you take leads to a compliance with this motion. It opens to you at the end of every visto. Your commerce, your policy, your promises, your reasons, your pretences, your consistency, your inconsistency—all jointly oblige you to this repeal.

But still it sticks in our throats, if we go so far, the Americans will go farther.—We do not know that. We ought, from experience, rather to presume the contrary. Do we not know for certain, that the Americans are going on as fast as possible, whilst we refuse to gratify them? Can they do more, or can they do worse, if we yield this point? I think this concession will rather fix a turnpike to prevent a further progress. It is impossible to answer for bodies of men. But I am sure the natural effect of fidelity, clemency, kindness in governors, is peace, good-will, order, and esteem, on the part of the governed. I would certainly, at least, give these fair principles a fair trial; which, since the making of this act to this hour, they never have had.

Sir, the honourable gentleman having spoken what he thought necessary upon the narrow part of the subject, I have given him, I hope, a satisfactory answer. He next presses me by a variety of direct challenges and oblique reflections to say something on the historical part. I shall, therefore, Sir, open myself fully on that important and delicate subject; not for the sake of telling you a long story, (which, I know, Mr. Speaker, you are not particularly fond of,) but for the sake of the weighty instruction that, I flatter myself, will necessarily result from it. It shall not be longer, if I can help it, than so serious a matter requires.

Permit me then, Sir, to lead your attention very far back; back to the act of navigation; the corner stone of

the policy of this country with regard to its colonies. Sir, that policy was, from the beginning, purely commercial; and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the colonists to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations: hence the innumerable checks and counterchecks: hence that infinite variety of paper chains by which you bind together this complicated system of the colonies. This principle of commercial monopoly runs through no less than twenty-nine acts of parliament, from the year 1660 to the unfortunate period of 1764.

In all those acts the system of commerce is established, as that, from whence alone you proposed to make the colonies contribute (I mean directly and by the operation of your superintending legislative power) to the strength of the empire. I venture to say, that during that whole period, a parliamentary revenue from thence was never once in contemplation. Accordingly, in all the number of laws passed with regard to the plantations, the words which distinguish revenue laws, specifically as such, were, I think, premeditately avoided. I do not say, Sir, that a form of words alters the nature of the law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to shew, not what was your right, but what has been your settled policy. Our revenue laws have usually a *title*, purporting their being *grants*; and the words *give and grant* usually precede the enacting parts. Although duties were imposed on America in acts of King Charles the Second, and in acts of King William, no one title of giving "an aid to his majesty," or any other of the usual titles to revenue acts, was to be found in any of them till 1764;

nor were the words "give and grant" in any preamble until the 6th of George the Second. However, the title of this act of George the Second, notwithstanding the words of donation, considers it merely as a regulation of trade, "an act for the better securing of the trade of his majesty's sugar colonies in America." This act was made on a compromise of all, and at the express desire of a part, of the colonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a *commercial regulation*, and being in truth nothing more, the words were passed by, at a time when no jealousy was entertained, and things were little scrutinized. Even governor Bernard, in his second printed letter, dated in 1763, gives it as his opinion, that "it was an act of *prohibition*, not of revenue." This is certainly true, that no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute-book until the year I have mentioned; that is, the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a colony revenue by British authority appeared therefore to the Americans in the light of a great innovation; the words of Governor Bernard's ninth letter, written in Nov. 1765, state this idea very strongly; "it must," says he, "have been supposed, *such an innovation as a parliamentary taxation* would cause a great *alarm*, and meet with much *opposition* in most parts of America; it was *quite new* to the people, and had no *visible bounds* set to it." After stating the weakness of government there, he says, "was this a time to introduce *so great a novelty* as a parliamentary inland taxation in America?" Whatever the right might have been, this mode of using it was absolutely new in policy and practice.

Sir, they who are friends to the schemes of American revenue say, that the commercial restraint is full as hard a law for America to live under. I think so too. I think it, if uncompensated, to be a condition of as rigorous servitude

as men can be subject to. But America bore it from the fundamental act of navigation until 1764. — Why? because men do bear the inevitable constitution of their original nature with all its infirmities. The act of navigation attended the colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men in the world. By his immense capital (primarily employed, not for their benefit, but his own) they were enabled to proceed with their fisheries, their agriculture, their ship-building (and their trade too within the limits), in such a manner as got far the start of the slow languid operations of unassisted nature. This capital was a hot-bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated and commodious life, but they seem to me rather antient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday; than a set of miserable out-casts, a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness three thousand miles from all civilized intercourse.

All this was done by England, whilst England pursued trade and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America; and by that creation you raised the trade of this kingdom at least four-fold. America had the compensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of

the British constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was an happy and a liberal condition.

I know, Sir, that great and not unsuccessful pains have been taken to inflame our minds by an outcry, in this house and out of it, that in America the act of navigation neither is, or ever was, obeyed. But if you take the colonies through, I affirm, that its authority never was disputed; that it was no where disputed for any length of time; and on the whole, that it was well observed. Wherever the act pressed hard, many individuals indeed evaded it. This is nothing. These scattered individuals never denied the law, and never obeyed it. Just as it happens whenever the laws of trade, whenever the laws of revenue, press hard upon the people in England; in that case all your shores are full of contraband. Your right to give a monopoly to the East India Company, your right to lay immense duties on French brandy, are not disputed in England. You do not make this charge on any man. But you know that there is not a creek from Pentland Frith to the Isle of Wight, in which they do not smuggle immense quantities of teas, East India goods, and brandies. I take it for granted, that the authority of Governor Bernard in this point is indisputable. Speaking of these laws, as they regarded that part of America now in so unhappy a condition, he says, "I believe they are no where better supported than in this province; I do not pretend that it is entirely free from a breach of these laws; but that such a breach, if discovered, is justly punished." What more can you say of the obedience to any laws in any country? An obedience to these laws formed the acknowledgment, instituted by yourselves, for

your superiority; and was the payment you originally imposed for your protection.

Whether you were right or wrong in establishing the colonies on the principles of commercial monopoly, rather than on that of revenue, is at this day a problem of mere speculation. You cannot have both by the same authority. To join together the restraints of an universal internal and external monopoly, with an universal internal and external taxation, is an unnatural union; perfect uncompensated slavery. You have long since decided for yourself and them; and you and they have prospered exceedingly under that decision.

This nation, Sir, never thought of departing from that choice until the period immediately on the close of the last war. Then a scheme of government new in many things seemed to have been adopted. I saw, or thought I saw, several symptoms of a great change, whilst I sat in your gallery, a good while before I had the honour of a seat in this house. At that period the necessity was established of keeping up no less than twenty new regiments, with twenty colonels capable of seats in this house. This scheme was adopted with very general applause from all sides, at the very time that, by your conquests in America, your danger from foreign attempts in that part of the world was much lessened, or indeed rather quite over. When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burthen. Country gentlemen, the great patrons of œconomy, and the great resisters of a standing armed force, would not have entered with much alacrity into the vote for so large and so expensive an army, if they had been very sure that they were to continue to pay for it. But hopes of another kind were held out to them; and in particular, I well remember, that Mr. Townshend, in a brilliant harangue on this subject, did dazzle them, by playing before their eyes the image of a revenue to be raised in America.

Here began to dawn the first glimmerings of this new

colony system. It appeared more distinctly afterwards, when it was devolved upon a person to whom, on other accounts, this country owes very great obligations. I do believe, that he had a very serious desire to benefit the public. But with no small study of the detail, he did not seem to have his view, at least equally, carried to the total circuit of our affairs. He generally considered his objects in lights that were rather too detached. Whether the business of an American revenue was imposed upon him altogether; whether it was entirely the result of his own speculation; or, what is more probable, that his own ideas rather coincided with the instructions he had received; certain it is, that, with the best intentions in the world, he first brought this fatal scheme into form, and established it by act of parliament.

No man can believe, that at this time of day I mean to lean on the venerable memory of a great man, whose loss we deplore in common. Our little party-differences have been long ago composed; and I have acted more with him, and certainly with more pleasure with him, than ever I acted against him. Undoubtedly Mr. Grenville was a first-rate figure in this country. With a masculine understanding, and a stout and resolute heart, he had an application undissipated and unwearied. He took public business, not as a duty which he was to fulfil, but as a pleasure he was to enjoy; and he seemed to have no delight out of this house, except in such things as some way related to the business that was to be done within it. If he was ambitious, I will say this for him, his ambition was of a noble and generous strain. It was to raise himself, not by the low pimping politics of a court, but to win his way to power, through the laborious gradations of public service; and to secure himself a well-earned rank in parliament, by a thorough knowledge of its constitution, and a perfect practice in all its business.

Sir, if such a man fell into errors, it must be from defects not intrinsical; they must be rather sought in the

particular habits of his life; which, though they do not alter the ground-work of character, yet tinge it with their own hue. He was bred in a profession. He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding, than all the other kinds of learning put together; but it is not apt, except in persons very happily born, to open and to liberalize the mind exactly in the same proportion. Passing from that study he did not go very largely into the world, but plunged into business; I mean into the business of office; and the limited and fixed methods and forms established there. Much knowledge is to be had undoubtedly in that line; and there is no knowledge which is not valuable. But it may be truly said, that men too much conversant in office, are rarely minds of remarkable enlargement. Their habits of office are apt to give them a turn to think the substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions; and therefore persons who are nurtured in office, do admirably well, as long as things go on in their common order; but when the high roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things is requisite than ever office gave, or than office can ever give. Mr. Grenville thought better of the wisdom and power of human legislation than in truth it deserves. He conceived, and many conceived along with him, that the flourishing trade of this country was greatly owing to law and institution, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue. Among regulations, that which stood first in reputation was his idol. I mean the act of navigation. He has often professed it to be so. The policy of that act is, I readily admit, in many respects

well understood. But I do say, that if the act be suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances, it must do great mischief, and frequently even defeat its own purpose.

After the war, and in the last years of it, the trade of America had increased far beyond the speculations of the most sanguine imaginations. It swelled out on every side. It filled all its proper channels to the brim. It overflowed with a rich redundance, and breaking its banks on the right and on the left, it spread out upon some places, where it was indeed improper, upon others where it was only irregular. It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses. The contraband will always keep pace in some measure with the fair trade. It should stand as a fundamental maxim, that no vulgar precaution ought to be employed in the cure of evils, which are closely connected with the cause of our prosperity. Perhaps this great person turned his eyes somewhat less than was just, towards the incredible increase of the fair trade; and looked with something of too exquisite a jealousy towards the contraband. He certainly felt a singular degree of anxiety on the subject; and even began to act from that passion earlier than is commonly imagined. For whilst he was first lord of the admiralty, though not strictly called upon in his official line, he presented a very strong memorial to the lords of the treasury (my Lord Bute was then at the head of the board); heavily complaining of the growth of the illicit commerce in America. Some mischief happened even at that time from this over-earnest zeal. Much greater happened afterward: when it operated with greater power in the highest department of the finances. The bonds of the act of navigation were straitened so much, that America was on the point of having no trade, either contraband or legitimate. They found, under the construction and execution then used,

the act no longer tying but actually strangling them. All this coming with new enumerations of commodities; with regulations which in a manner put a stop to the mutual coasting intercourse of the colonies; with the appointment of courts of admiralty under various improper circumstances; with a sudden extinction of the paper currencies; with a compulsory provision for the quartering of soldiers; the people of America thought themselves proceeded against as delinquents, or at best as people under suspicion of delinquency; and in such a manner as, they imagined, their recent services in the war did not at all merit. Any of these innumerable regulations, perhaps, would not have alarmed alone; some might be thought reasonable; the multitude struck them with terror.

But the grand manœuvre in that business of new regulating the colonies, was the 15th act of the fourth of George III.; which, besides containing several of the matters to which I have just alluded, opened a new principle: and here properly began the second period of the policy of this country with regard to the colonies; by which the scheme of a regular plantation parliamentary revenue was adopted in theory, and settled in practice. A revenue not substituted in the place of, but superadded to, a monopoly; which monopoly was enforced at the same time with additional strictness, and the execution put into military hands.

This act, Sir, had for the first time the title of "granting duties in the colonies and plantations of America;" and for the first time it was asserted in the preamble, "that it was *just* and *necessary* that a revenue should be raised there." Then came the technical words of "giving and granting," and thus a complete American revenue act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity of taxing the colonies, without any formal consent of theirs. There are contained also in the preamble to that act these very remarkable words — the commons, &c. — "being desirous to make *some* provision in the *present* session of parliament

towards raising the said revenue." By these words it appeared to the colonies, that this act was but a beginning of sorrows; that every session was to produce something of the same kind; that we were to go on from day to day, in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this plan been pursued, it was evident that the provincial assemblies, in which the Americans felt all their portion of importance, and beheld their sole image of freedom, were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in extent, and endless in duration. Sir, they were not mistaken. The ministry valued themselves when this act passed, and when they gave notice of the stamp act, that both of the duties came very short of their ideas of American taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out that they were nearly crushed with those which the war and their own grants had brought upon them.

Sir, it has been said in the debate, that when the first American revenue act (the act in 1764, imposing the port duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They were, it is true, as yet novices; as yet unaccustomed to direct attacks upon any of the rights of parliament. The duties were port duties, like those they had been accustomed to bear; with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shews, out of their own mouths, that our colonies were backward to enter into the present vexatious and ruinous controversy.

There is also another circulation abroad, (spread with a malignant intention, which I cannot attribute to those who say the same thing in this House) that Mr. Grenville gave the colony agents an option for their assemblies to tax

themselves, which they had refused. I find that much stress is laid on this, as a fact. However, it happens neither to be true nor possible. I will observe first, that Mr. Grenville never thought fit to make this apology for himself in the innumerable debates that were had upon the subject. He might have proposed to the colony agents, that they should agree in some mode of taxation as the ground of an act of parliament. But he never could have proposed that they should tax themselves on requisition, which is the assertion of the day. Indeed, Mr. Grenville well knew, that the colony agents could have no general powers to consent to it; and they had no time to consult their assemblies for particular powers before he passed his first revenue act. If you compare dates, you will find it impossible. Burthened as the agents knew the colonies were at that time, they could not give the least hope of such grants. His own favourite governor was of opinion that the Americans were not then taxable objects:

"*Nor was the time less favourable to the* equity *of such a taxation. I don't mean to dispute the reasonableness of America contributing to the charges of Great Britain* when she is able; *now, I believe, would the Americans themselves have disputed it, at a* proper time and season. *But it should be considered, that the American governments themselves have, in the prosecution of the late war, contracted very large debts which it will take some years to pay off, and in the mean time occasion very* burthensome taxes for that purpose only. *For instance, this government, which is as much before-hand as any, raises every year* 37,500*l. sterling for sinking that debt, and must continue it for four years longer at least before it will be clear.*"

These are the words of Governor Bernard's letter to a member of the old ministry, and which he has since printed. Mr. Grenville could not have made this proposition to the agents for another reason. He was of opinion, which he has declared in this House an hundred times, that the colonies could not legally grant any revenue to the crown;

and that infinite mischiefs would be the consequence of such a power. When Mr. Grenville had passed the first revenue-act, and in the same session had made this House come to a resolution for laying a stamp-duty on America, between that time and the passing of the stamp-act into a law, he told a considerable and most respectable merchant, a member of this House, whom I am truly sorry I do not now see in his place, when he represented against this proceeding, that if the stamp-duty was disliked, he was willing to exchange it for any other equally productive; but that, if he objected to the Americans being taxed by parliament, he might save himself the trouble of the discussion, as he was determined on the measure. This is the fact, and, if you please, I will mention a very unquestionable authority for it.

Thus, Sir, I have disposed of this falsehood. But falsehood has a perennial spring. It is said, that no conjecture could be made of the dislike of the colonies to the principle. This is as untrue as the other. After the resolution of the House, and before the passing of the stamp-act, the colonies of Massachuset's Bay and New York did send remonstrances, objecting to this mode of parliamentary taxation. What was the consequence? They were suppressed; they were put under the table; notwithstanding an order of council to the contrary, by the ministry which composed the very council that had made the order; and thus the House proceeded to its business of taxing without the least regular knowledge of the objections which were made to it. But to give that House its due, it was not over desirous to receive information, or to hear remonstrance. On the 15th of February 1765, whilst the stamp-act was under deliberation, they refused with scorn even so much as to receive four petitions presented from so respectable colonies as Connecticut, Rhode Island, Virginia, and Carolina; besides one from the traders of Jamaica. As to the colonies, they had no alternative left to them, but to disobey; or to pay the taxes imposed by that par-

liament which was not suffered, or did not suffer itself, even to hear them remonstrate upon the subject.

This was the state of the colonies before his majesty thought fit to change his ministers. It stands upon no authority of mine. It is proved by uncontrovertible records. The honourable gentleman has desired some of us to lay our hands upon our hearts, and answer to his queries upon the historical part of this consideration; and by his manner (as well as my eyes could discern it) he seemed to address himself to me.

Sir, I will answer him as clearly as I am able, and with great openness; I have nothing to conceal. In the year sixty-five, being in a very private station, far enough from any line of business, and not having the honour of a seat in this house, it was my fortune, unknowing and unknown to the then ministry, by the intervention of a common friend, to become connected with a very noble person, and at the head of the treasury department. It was indeed in a situation of little rank and no consequence, suitable to the mediocrity of my talents and pretensions. But a situation near enough to enable me to see, as well as others, what was going on; and I did see in that noble person such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as have bound me, as well as others much better than me, by an inviolable attachment to him from that time forward. Sir, Lord Rockingham very early in that summer received a strong representation from many weighty English merchants and manufacturers, from governors of provinces and commanders of men of war, against almost the whole of the American commercial regulations: and particularly with regard to the total ruin which was threatened to the Spanish trade. I believe, Sir, the noble lord soon saw his way in this business. But he did not rashly determine against acts which it might be supposed were the result of much deliberation. However, Sir, he scarcely began to open the ground, when the whole veteran body of office took the alarm. A violent outcry of all (except those who knew and

felt the mischief) was raised against any alteration. On one hand, his attempt was a direct violation of treaties and public law. On the other, the act of navigation and all the corps of trade laws were drawn up in array against it.

The first step the noble lord took, was to have the opinion of his excellent, learned, and ever-lamented friend the late Mr. Yorke, then attorney general, on the point of law. When he knew that formally and officially, which in substance he had known before, he immediately dispatched orders to redress the grievance. But I will say it for the then minister, he is of that constitution of mind, that I know he would have issued, on the same critical occasion, the very same orders, if the acts of trade had been, as they were not, directly against him; and would have chearfully submitted to the equity of parliament for his indemnity.

On the conclusion of this business of the Spanish trade, the news of the troubles, on account of the stamp-act, arrived in England. It was not until the end of October that these accounts were received. No sooner had the sound of that mighty tempest reached us in England, than the whole of the then opposition, instead of feeling humbled by the unhappy issue of their measures, seemed to be infinitely elated, and cried out that the ministry, from envy to the glory of their predecessors, were prepared to repeal the stamp-act. Near nine years after, the honourable gentleman takes quite opposite ground, and now challenges me to put my hand to my heart, and say, whether the ministry had resolved on the repeal till a considerable time after the meeting of parliament. Though I do not very well know what the honourable gentleman wishes to infer from the admission, or from the denial, of this fact, on which he so earnestly adjures me; I do put my hand on my heart, and assure him, that they did *not* come to a resolution directly to repeal. They weighed this matter as its difficulty and importance required. They considered maturely among themselves. They consulted with all who could give advice or information. It was not determined until a little before the meeting of parliament; but it was determined,

and the main lines of their own plan marked out, before that meeting. Two questions arose (I hope I am not going into a narrative troublesome to the house.)

[A cry of, go on, go on.]

The first of the two considerations was, whether the repeal should be total, or whether only partial; taking out every thing burthensome and productive, and reserving only an empty acknowledgement, such as a stamp on cards or dice. The other question was, on what principle the act should be repealed? On this head also two principles were started. One, that the legislative rights of this country, with regard to America, were not entire, but had certain restrictions and limitations. The other principle was, that taxes of this kind were contrary to the fundamental principles of commerce on which the colonies were founded; and contrary to every idea of political equity; by which equity we are bound, as much as possible, to extend the spirit and benefit of the British constitution to every part of the British dominions. The option, both of the measure, and of the principle of repeal, was made before the session; and I wonder how any one can read the king's speech at the opening of that session, without seeing in that speech both the repeal and the declaratory act very sufficiently crayoned out. Those who cannot see this can see nothing.

Surely the honourable gentleman will not think that a great deal less time than was then employed, ought to have been spent in deliberation; when he considers that the news of the troubles did not arrive till towards the end of October. The parliament sat to fill the vacancies on the 14th day of December, and on business the 14th of the following January.

Sir, a partial repeal, or, as the *bon ton* of the court then was, a *modification*, would have satisfied a timid, unsystematick, procrastinating ministry, as such a measure has since done such a ministry. A modification is the constant resource of weak undeciding minds. To repeal by a denial of our right to tax in the preamble (and this too did not

want advisers), would have cut, in the heroick style, the Gordian knot with a sword. Either measure would have cost no more than a day's debate. But when the total repeal was adopted; and adopted on principles of policy, of equity, and of commerce; this plan made it necessary to enter into many and difficult measures. It became necessary to open a very large field of evidence commensurate to these extensive views. But then this labour did knights service. It opened the eyes of several to the true state of the American affairs; it enlarged their ideas; it removed prejudices; and it conciliated the opinions and affections of men. The noble lord who then took the lead in the administration, my honourable friend * under me, and a right honourable gentleman † (if he will not reject his share, and it was a large one, of this business) exerted the most laudable industry in bringing before you the fullest, most impartial, and least-garbled body of evidence that ever was produced to this house. I think the inquiry lasted in the committee for six weeks; and at its conclusion this house, by an independent, noble, spirited, and unexpected majority; by a majority that will redeem all the acts ever done by majorities in parliament; in the teeth of all the old mercenary Swiss of state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of a court, gave a total repeal to the stamp act, and (if it had been so permitted) a lasting peace to this whole empire.

I state, Sir, these particulars, because this act of spirit and fortitude has lately been, in the circulation of the season, and in some hazarded declamations in this house, attributed to timidity. If, Sir, the conduct of ministry, in proposing the repeal, had arisen from timidity with regard to themselves, it would have been greatly to be condemned. Interested timidity disgraces as much in the cabinet, as personal timidity does in the field. But timidity, with re-

* Mr. Dowdeswell. † General Conway.

gard to the well-being of our country, is heroic virtue. The noble lord who then conducted affairs, and his worthy colleagues, whilst they trembled at the prospect of such distresses as you have since brought upon yourselves, were not afraid steadily to look in the face that glaring and dazzling influence at which the eyes of eagles have blenched. He looked in the face one of the ablest, and, let me say, not the most scrupulous oppositions, that perhaps ever was in this house, and withstood it, unaided by, even one of the usual supports of administration. He did this when he repealed the stamp-act. He looked in the face a person he had long respected and regarded, and whose aid was then particularly wanting; I mean Lord Chatham. He did this when he passed the declaratory act.

It is now given out for the usual purposes, by the usual emissaries, that Lord Rockingham did not consent to the repeal of this act until he was bullied into it by Lord Chatham; and the reporters have gone so far as publicly to assert, in a hundred companies, that the honourable gentleman under the gallery,* who proposed the repeal in the American committee, had another set of resolutions in his pocket directly the reverse of those he moved. These artifices of a desperate cause are at this time spread abroad with incredible care, in every part of the town, from the highest to the lowest companies; as if the industry of the circulation were to make amends for the absurdity of the report.

Sir, whether the noble lord is of a complexion to be bullied by Lord Chatham, or by any man, I must submit to those who know him. I confess, when I look back to that time, I consider him as placed in one of the most trying situations in which, perhaps, any man ever stood. In the house of peers there were very few of the ministry, out of the noble lord's own particular connexion, (except Lord Egmont, who acted, as far as I could discern, an honour-

* General Conway.

able and manly part,) that did not look to some other future arrangement, which warped his politicks. There were in both houses new and menacing appearances, that might very naturally drive any other, than a most resolute minister, from his measure or from his station. The household troops openly revolted. The allies of ministry, (those, I mean, who supported some of their measures, but refused responsibility for any) endeavoured to undermine their credit, and to take ground that must be fatal to the success of the very cause which they would be thought to countenance. The question of the repeal was brought on by ministry in the committee of this house, in the very instant when it was known that more than one court negotiation was carrying on with the heads of the opposition. Every thing, upon every side, was full of traps and mines. Earth below shook; heaven above menaced; all the elements of ministerial safety were dissolved. It was in the midst of this chaos of plots and counterplots; it was in the midst of this complicated warfare against public opposition and private treachery, that the firmness of that noble person was put to the proof. He never stirred from his ground; no, not an inch. He remained fixed and determined, in principle, in measure, and in conduct. He practised no managements. He secured no retreat. He sought no apology.

I will likewise do justice, I ought to do it, to the honourable gentleman who led us in this house.* Far from the duplicity wickedly charged on him, he acted his part with alacrity and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well enough (it could not be concealed from any body) the true state of things; but, in my life, I never came with so much spirits into this house. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined friends,

* General Conway.

and a glorious cause. We had a great battle to fight; but we had the means of fighting; not as now, when our arms are tied behind us. We did fight that day and conquer.

I remember, Sir, with a melancholy pleasure, the situation of the honourable gentleman * who made the motion for the repeal; in that crisis, when the whole trading interest of this empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolutions. When, at length you had determined in their favour, and your doors, thrown open, shewed them the figure of their deliverer in the well-earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. They clung about him as captives about their redeemer. All England, all America, joined to his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow citizens. *Hope elevated and joy brightened his crest.* I stood near him; and his face, to use the expression of the scripture of the first martyr, "his face was as if it had been the face of an angel." I do not know how others feel; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope, that that day's danger and honour would have been a bond to hold us all together for ever. But, alas! that, with other pleasing visions, is long since vanished.

Sir, this act of supreme magnanimity has been represented, as if it had been a measure of an administration, that, having no scheme of their own, took a middle line, pilfered a bit from one side and a bit from the other. Sir, they took *no* middle lines. They differed fundamentally from the schemes of both parties; but they preserved the objects of both. They preserved the authority of Great

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* General Conway.

Britain. They preserved the equity of Great Britain. They made the declaratory act; they repealed the stamp act. They did both *fully*; because the declaratory act was *without qualification*; and the repeal of the stamp act *total*. his they did in the situation I have described.

Now, Sir, what will the adversary say to both these acts? If the principle of the declaratory act was not good, the principle we are contending for this day is monstrous. If the principle of the repeal was not good, why are we not at war for a real, substantial, effective revenue? If both were bad; why has this ministry incurred all the inconveniencies of both and of all schemes? Why have they enacted, repealed, enforced, yielded, and now attempt to enforce again?

Sir, I think I may as well now, as at any other time, speak to a certain matter of fact, not wholly unrelated to the question under your consideration. We, who would persuade you to revert to the ancient policy of this kingdom, labour under the effect of this short current phrase, which the court leaders have given out to all their corps, in order to take away the credit of those who would prevent you from that frantic war you are going to wage upon your colonies. Their cant is this; "All the disturbances in America have been created by the repeal of the stamp-act." I suppress for a moment my indignation at the falsehood, baseness, and absurdity of this most audacious assertion. Instead of remarking on the motives and character of those who have issued it for circulation, I will clearly lay before you the state of America, antecedently to that repeal; after the repeal; and since the renewal of the schemes of American taxation.

It is said that the disturbances, if there were any, before the repeal, were slight; and without difficulty or inconvenience might have been suppressed. For an answer to this assertion I will send you to the great author and patron of the stamp-act, who certainly meaning well to the authority of this country, and fully apprized of the state of that, made, before a repeal was so much as agitated in this house,

the motion which is on your journals; and which, to save the clerk the trouble of turning to it, I will now read to you. It was for an amendment to the address of the 17th of December, 1765:

"To express our just resentment and indignation at the outrageous tumults and insurrections which have been excited and carried on in North America; and at the resistance given by open and rebellious force to the execution of the laws in that part of his majesty's dominions. And to assure his majesty, that his faithful Commons, animated with the warmest duty and attachment to his royal person and government, will firmly and effectually support his majesty in all such measures as shall be necessary for preserving and supporting the legal dependence of the colonies on the mother country, &c. &c."

Here was certainly a disturbance preceding the repeal; such a disturbance as Mr. Grenville thought necessary to qualify by the name of an *insurrection*, and the epithet of a *rebellious* force: terms much stronger than any, by which those who then supported his motion have ever since thought proper to distinguish the subsequent disturbances in America. They were disturbances which seemed to him and his friends to justify as strong a promise of support, as hath been usual to give in the beginning of a war with the most powerful and declared enemies. When the accounts of the American governors came before the house, they appeared stronger even than the warmth of public imagination had painted them; so much stronger, that the papers on your table bear me out in saying, that all the late disturbances, which have been at one time the minister's motives for the repeal of five out of six of the new court taxes, and are now his pretences for refusing to repeal that sixth, did not amount — why do I compare them? No, not to a tenth part of the tumults and violence which prevailed long before the repeal of that act.

Ministry cannot refuse the authority of the commander in chief, General Gage, who, in his letter of the 4th of November, from New York, thus represents the state of things:

"It is difficult to say, from the highest to the lowest, who has not been accessary to this insurrection, either by writing or mutual agreements, to oppose the act, by what they are pleased to term all legal opposition to it. Nothing effectual has been proposed, either to prevent or quell the tumult. The rest of the provinces are in the same situation as to a positive refusal to take the stamps; and threatening those who shall take them, to plunder and murder them; and this affair stands in all the provinces, that unless the act, from its own nature, enforce itself, nothing but a very considerable military force can do it."

It is remarkable, Sir, that the persons who formerly trumpeted forth the most loudly, the violent resolutions of assemblies; the universal insurrections; the seizing and burning the stamped papers; the forcing stamp officers to resign their commissions under the gallows; the rifling and pulling down of the houses of magistrates; and the expulsion from their country of all who dared to write or speak a single word in defence of the powers of parliament; these very trumpeters are now the men that represent the whole as a mere trifle; and choose to date all the disturbances from the repeal of the stamp-act, which put an end to them. Hear your officers abroad, and let them refute this shameless falsehood, who, in all their correspondence, state the disturbances as owing to their true causes, the discontent of the people, from the taxes. You have this evidence in your own archives — and it will give you complete satisfaction; if you are not so far lost to all parliamentary ideas of information, as rather to credit the lie of the day, than the records of your own house.

Sir, this vermin of court reporters, when they are forced into day upon one point, are sure to burrow in another; but they shall have no refuge: I will make them bolt out of all their holes. Conscious that they must be baffled, when they attribute a precedent disturbance to a subsequent measure, they take other ground, almost as absurd, but very common in modern practice, and very wicked; which is, to attribute the ill effect of ill-judged conduct to the argu-

ments which had been used to dissuade us from it. They say, that the opposition made in parliament to the stamp-act at the time of its passing, encouraged the Americans to their resistance. This has even formally appeared in print in a regular volume, from an advocate of that faction, a Dr. Tucker. This Dr. Tucker is already a dean, and his earnest labours in this vineyard will, I suppose, raise him to a bishoprick. But this assertion too, just like the rest, is false. In all the papers which have loaded your table; in all the vast crowd of verbal witnesses that appeared at your bar, witnesses which were indiscriminately produced from both sides of the house; not the least hint of such a cause of disturbance has ever appeared. As to the fact of a strenuous opposition to the stamp-act, I sat as a stranger in your gallery when the act was under consideration. Far from any thing inflammatory, I never heard a more languid debate in this house. No more than two or three gentlemen, as I remember, spoke against the act, and that with great reserve and remarkable temper. There was but one division in the whole progress of the bill; and the minority did not reach to more than 39 or 40. In the House of Lords I do not recollect that there was any debate or division at all. I am sure there was no protest. In fact, the affair passed with so very, very little noise, that in town they scarcely knew the nature of what you were doing. The opposition to the bill in England never could have done this mischief, because there scarcely ever was less of opposition to a bill of consequence.

Sir, the agents and distributors of falsehoods have, with their usual industry, circulated another lie of the same nature with the former. It is this, that the disturbances arose from the account which had been received in America of the change in the ministry. No longer awed, it seems, with the spirit of the former rulers, they thought themselves a match for what our calumniators choose to qualify by the name of so feeble a ministry as succeeded. Feeble in one sense these men certainly may be called; for with all their efforts, and they have made many, they have not been able

to resist the distempered vigour and insane alacrity with which you are rushing to your ruin. But it does so happen, that the falsity of this circulation is (like the rest) demonstrated by indisputable dates and records.

So little was the change known in America, that the letters of your governors, giving an account of these disturbances long after they had arrived at their highest pitch, were all directed to the *old ministry*, and particularly to the *Earl of Halifax*, the secretary of state corresponding with the colonies, without once in the smallest degree intimating the slightest suspicion of any ministerial revolution whatsoever. The ministry was not changed in England until the 10th day of July 1765. On the 14th of the preceding June, Governor Fauquier, from Virginia, writes thus; and writes thus to the Earl of Halifax: "Government is set at defiance, not having strength enough in her hands to enforce obedience to the laws of the community. The private distress, which every man feels, increases the general dissatisfaction at the duties laid by the stamp-act, which breaks out, and shews itself upon every trifling occasion." The general dissatisfaction had produced some time before, that is, on the 29th of May, several strong public resolves against the stamp-act; and those resolves are assigned by Governor Bernard, as the cause of the *insurrections* in Massachuset's Bay, in his letter of the 15th of August, still addressed to the Earl of Halifax; and he continued to address such accounts to that minister quite to the 7th of September of the same year. Similar accounts, and of as late a date, were sent from other governors, and all directed to Lord Halifax. Not one of these letters indicates the slightest idea of a change, either known, or even apprehended.

Thus are blown away the insect race of courtly falsehoods! thus perish the miserable inventions of the wretched runners for a wretched cause, which they have fly-blown into every weak and rotten part of the country, in vain hopes that when their maggots had taken wing, their im-

portunate buzzing might sound something like the public voice!

Sir, I have troubled you sufficiently with the state of America before the repeal. Now I turn to the honourable gentleman who so stoutly challenges us, to tell, whether, after the repeal, the provinces were quiet? This is coming home to the point. Here I meet him directly; and answer most readily, *They were quiet.* And I, in my turn, challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession? or that even your other revenue-laws were attacked? But I quit the vantage ground on which I stand, and where I might leave the burthen of the proof upon him: I walk down upon the open plain, and undertake to shew, that they were not only quiet, but shewed many unequivocal marks of acknowledgement and gratitude. And to give him every advantage, I select the obnoxious colony of Massachuset's Bay, which at this time (but without hearing her) is so heavily a culprit before parliament — I will select their proceedings, even under circumstances of no small irritation. For, a little imprudently, I must say, Governor Bernard mixed in the administration of the lenitive of the repeal no small acrimony arising from matters of a separate nature. Yet see, Sir, the effect of that lenitive, though mixed with these bitter ingredients; and how this rugged people can express themselves on a measure of concession.

"If it is not in our power," (say they in their address to Governor Bernard,) "in so full a manner as will be expected, to shew our respectful gratitude to the mother-country, or to make a dutiful and affectionate return to the indulgence of the king and parliament, it shall be no fault of ours; for this we intend, and hope we shall be able fully to effect."

Would to God that this temper had been cultivated, managed, and set in action! other effects than those which we have since felt would have resulted from it. On the

requisition for compensation to those who had suffered from the violence of the populace, in the same address they say, "The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we will embrace the first convenient opportunity to consider and act upon." They did consider; they did act upon it. They obeyed the requisition. I know the mode has been chicaned upon; but it was substantially obeyed; and much better obeyed, than I fear the parliamentary requisition of this session will be, though enforced by all your rigour, and backed with all your power. In a word, the damages of popular fury were compensated by legislative gravity. Almost every other part of America in various ways demonstrated their gratitude. I am bold to say, that so sudden a calm recovered after so violent a storm is without parallel in history. To say that no other disturbance should happen from any other cause, is folly. But as far as appearances went, by the judicious sacrifice of one law, you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when a whole people are concerned, that acts of lenity are not means of conciliation.

I hope the honourable gentleman has received a fair and full answer to his question.

I have done with the third period of your policy; that of your repeal; and the return of your ancient system, and your ancient tranquillity and concord. Sir, this period was not as long as it was happy. Another scene was opened, and other actors appeared on the stage. The state, in the condition I have described it, was delivered into the hands of Lord Chatham—a great and celebrated name; a name that keeps the name of this country respectable in every other on the globe. It may be truly called,

Clarum et venerabile nomen
Gentibus, et multum nostræ quod prôderat urbi.

Sir, the venerable age of this great man, his merited rank, his superior eloquence, his splendid qualities, his

eminent services,- the vast space he fills in the eye of mankind; and, more than all the rest, his fall from power, which, like death, canonizes and sanctifies a great character, will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time, to be governed too much by general maxims. I speak with the freedom of history, and I hope without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself; and for that reason, among others, perhaps fatal to his country; measures, the effects of which, I am afraid, are for ever incurable. He made an administration, so checkered and speckled; he put together a piece of joinery, so crossly indented and whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified Mosaic; such a tessalated pavement without cement; here a bit of black stone, and there a bit of white; patriots and courtiers, king's friends and republicans; whigs and tories; treacherous friends and open enemies: that it was indeed a very curious show; but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask, "Sir your name?—Sir, you have the advantage of me—Mr. Such-a-one—I beg a thousand pardons—" I venture to say, it did so happen, that persons had a single office divided between them, who had never spoke to each other in their lives; until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed.*

* Supposed to allude to the Right Honourable Lord North, and George Cooke, Esq., who were made joint paymasters in the summer of 1766, on the removal of the Rockingham administration.

Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such, that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from public cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole system was on a wide sea, without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted, to seem, as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him, which was justified even in its extravagance by his superior abilities, had never, in any instance, presumed upon any opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel were the most directly opposite to his opinions, measures, and character, and far the most artful and most powerful of the set, they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends; and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him, even long before the close of the first session of his administration, when every thing was publicly transacted, and with great parade, in his name, they made an act, declaring it highly just and expedient to raise a revenue in America. For even then, Sir, even before this splendid orb was entirely set, and while the western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and, for his hour, became lord of the ascendant.

This light too is passed and set for ever. You understand, to be sure, that I speak of Charles Townshend,

officially the re-producer of this fatal scheme; whom I cannot even now remember without some degree of sensibility. In truth, Sir, he was the delight and ornament of this House, and the charm of every private society which he honoured with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed and finished wit; and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock, as some have had who flourished formerly, of knowledge long treasured up, he knew better by far, than any man I ever was acquainted with, how to bring together within a short time, all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most luminous explanation, and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the House just between wind and water. And not being troubled with too anxious a zeal for any matter in question, he was never more tedious, or more earnest, than the pre-conceived opinions, and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the House; and he seemed to guide, because he was always sure to follow it.

I beg pardon, Sir, if, when I speak of this and of other great men, I appear to digress in saying something of their characters. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guide-posts and land-marks in the state. The credit of such men at court, or in the nation, is the sole cause of all the public measures. It would be an invidious thing (most foreign I trust to what you think my disposition) to remark the errors into which the authority of great names has brought the nation, without doing justice at the same time to the great qualities, whence that authority arose. The subject is instructive to those who wish to form themselves on whatever of

excellence has gone before them. There are many young members in the House (such of late has been the rapid succession of public men) who never saw that prodigy Charles Townshend; nor of course know what a ferment he was able to excite in every thing by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly—many of us remember them; we are this day considering the effect of them. But he had no failings which were not owing to a noble cause; to an ardent, generous, perhaps an immoderate, passion for fame; a passion which is the instinct of all great souls. He worshipped that goddess wheresoever she appeared; but he paid his particular devotions to her in her favourite habitation, in her chosen temple, the House of Commons. Besides the characters of the individuals that compose our body, it is impossible, Mr. Speaker, not to observe, that this House has a collective character of its own. That character too, however imperfect, is not unamiable. Like all great public collections of men, you possess a marked love of virtue, and an abhorrence of vice. But among vices, there is none which the House abhors in the same degree with *obstinacy*. Obstinacy, Sir, is certainly a great vice; and in the changeful state of political affairs it is frequently the cause of great mischief. It happens, however, very unfortunately, that almost the whole line of the great and masculine virtues, constancy, gravity, magnanimity, fortitude, fidelity, and firmness, are closely allied to this disagreeable quality, of which you have so just an abhorrence; and in their excess, all these virtues very easily fall into it. He, who paid such a punctilious attention to all your feelings, certainly took care not to shock them by that vice which is the most disgustful to you.

That fear of displeasing those who ought most to be pleased, betrayed him sometimes into the other extreme. He had voted, and in the year 1765, had been an advocate for the stamp-act. Things and the disposition of men's minds were changed. In short, the stamp-act began to be no

favourite in this House. He therefore attended at the private meeting, in which the resolutions moved by a right honourable gentleman were settled; resolutions leading to the repeal. The next day he voted for that repeal; and he would have spoken for it too, if an illness (not as was then given out a political, but to my knowledge a very real illness) had not prevented it.

The very next session, as the fashion of this world passeth away, the repeal began to be in as bad an odour in this house, as the stamp-act had been in the session before. To conform to the temper which began to prevail, and to prevail mostly amongst those most in power, he declared, very early in the winter, that a revenue must be had out of America. Instantly he was tied down to his engagements by some who had no objection to such experiments, when made at the cost of persons for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the king stood in a sort of humiliated state, until something of the kind should be done.

Here this extraordinary man, then chancellor of the exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However he attempted it. To render the tax palatable to the partisans of American revenue, he made a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was *external* or port-duty; but again, to soften it to the other party, it was a duty of *supply*. To gratify the *colonists*, it was laid on British manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and (except that on tea, which touched only the devoted East India company,) on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea was reduced from a shilling to three-pence. But to secure the favour of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the colonies. What need I say more? This fine-spun scheme had the usual fate of

all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the House. He never thought, did, or said any thing but with a view to you. He every day adapted himself to your disposition; and adjusted himself before it as at a looking-glass.

He had observed, (indeed it could not escape him,) that several persons, infinitely his inferiors in all respects, had formerly rendered themselves considerable in this House by one method alone. They were a race of men, (I hope in God the species is extinct,) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles; from any order or system in their politics; or from any sequel or connection in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them; each party gaped, and looked alternately for their vote, almost to the end of their speeches. While the house hung in this uncertainty, now the *hear-hims* rose from this side—now they rebellowed from the other; and that party to whom they fell at length from their tremulous and dancing balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one, to whom a single whiff of incense withheld gave much greater pain, than he received delight, in the clouds of it, which daily rose about him from the prodigal superstition of innumerable admirers. He was a candidate for contradictory honours; and his great aim was to make those agree in admiration of him who never agreed in any thing else.

Hence arose this unfortunate act, the subject of this day's debate; from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

This revenue act of 1767 formed the fourth period of American policy. How we have fared since then — what woeful variety of schemes have been adopted; what enforcing, and what repealing; what bullying, and what submitting; what doing, and undoing; what straining, and what relaxing; what assemblies dissolved for not obeying, and called again without obedience; what troops sent out to quell resistance, and on meeting that resistance, recalled; what shiftings, and changes, and jumblings of all kinds of men at home, which left no possibility of order, consistency, vigour, or even so much as a decent unity of colour in any one public measure. — It is a tedious, irksome task. My duty may call me to open it out some other time; on a former occasion * I tried your temper on a part of it; for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of parliament, stating, that "it is *expedient* to raise a revenue in America." By a partial repeal you annihilated the greatest part of that revenue, which this preamble declares to be so expedient. You have substituted no other in the place of it. A secretary of state has disclaimed, in the king's name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions, (under a preamble declaring an American revenue expedient, and for the sole purpose of supporting the theory of that preamble,) militates with the assurance authentically conveyed to the colonies; and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one; not being able to discern any grounds of honour, advantage, peace, or power, for adhering, either to the act or to the preamble, I shall vote for the question which leads to the repeal of both.

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* Resolutions in May, 1770.

If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honourable right, or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further but unreasonable claims, — why then employ your force in supporting that reasonable concession against those unreasonable demands. You will employ it with more grace; with better effect; and with great probable concurrence of all the quiet and rational people in the provinces; who are now united with, and hurried away by, the violent; having indeed different dispositions, but a common interest. If you apprehend that on a concession you shall be pushed by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this; when you have recovered your old, your strong, your tenable position, then face about — stop short — do nothing more — reason not at all — oppose the ancient policy and practice of the empire, as a rampart against the speculations of innovators on both sides of the question; and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Your ministers, in their own and his majesty's name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves; and I think they will acquiesce in it, if they are not pushed with too much logic and too little sense, in all the consequences. That is, if external taxation be understood, as they and you understand it, when you please, to be not a distinction of geography, but of policy; that it is a power for regulating trade, and not for supporting establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity — try it — I am persuaded the Americans

will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience, will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let not the long story with which I have exercised your patience, prove fruitless to your interests.

For my part, I should choose (if I could have my wish) that the proposition of the * honourable gentleman for the repeal, could go to America without the attendance of the penal bills. Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocency. Though you should send out this angel of peace, yet you are sending out a destroying angel too; and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe would increase its fury—All this is in the hand of Providence; yet now, even now, I should confide in the prevailing virtue, and efficacious operation of lenity, though working in darkness and in chaos, in the midst of all this unnatural and turbid combination. I should hope it might produce order and beauty in the end.

Let us, Sir, embrace some system or other before we end this session. Do you mean to tax America, and to draw a productive revenue from thence? If you do, speak out: name, fix, ascertain this revenue; settle its quantity; define its objects; provide for its collection; and then fight when you have something to fight for. If you murder—rob; if you kill, take possession: and do not appear in the character of madmen, as well as assassins, violent, vin-

* Mr. Fuller.

dictive, bloody, and tyrannical, without an object. But may better counsels guide you!

Again, and again, revert to your old principles — seek peace and ensue it — leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. No body will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability; let the best of them get up, and tell me, what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and industry, by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you chuse to impose, without the least share in granting them. When they bear the burthens of unlimited monopoly, will you

bring them to bear the burthens of unlimited revenue too? The Englishman in America will feel that this is slavery—that it is *legal* slavery, will be no compensation, either to his feelings or his understanding.

A noble lord *, who spoke some time ago, is full of the fire of ingenuous youth; and when he has modelled the ideas of a lively imagination by further experience, he will be an ornament to his country in either House. He has said that the Americans are our children, and how can they revolt against their parent? He says, that if they are not free in their present state, England is not free; because Manchester, and other considerable places, are not represented. So then, because some towns in England are not represented, America is to have no representative at all. They are "our children;" but when children ask for bread, we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinders our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty; are we to turn to them the shameful parts of our constitution? are we to give them our weakness for their strength? our opprobrium for their glory; and the slough of slavery, which we are not able to work off, to serve them for their freedom?

If this be the case, ask yourselves this question, Will they be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern a people, who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America, that after wading up to your eyes in blood, you could only end just where you begun; that is, to tax where

* Lord Carmarthen.

no revenue is to be found, to — my voice fails me; my inclination indeed carries me no further — all is confusion beyond it.

Well, Sir, I have recovered a little, and before I sit down I must say something to another point with which gentlemen urge us. What is to become of the declaratory act, asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part I look upon the rights stated in that act, exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcileable things in the world. The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. — The other, and I think her nobler capacity, is what I call her *imperial character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controuls them all without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the over-ruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable parliament to answer all these ends of provident and beneficent superintendance, her powers must be boundless. The gentleman who think the powers of parliament limited, may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! Shall there be no reserved power in the empire, to supply a deficiency which

may weaken, divide, and dissipate the whole? We are engaged in war — the secretary of state calls upon the colonies to contribute — some would do it, I think most would cheerfully furnish whatever is demanded — one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others — surely it is proper that some authority might legally say — "Tax yourselves for the common supply, or parliament will do it for you." This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissentions in the colony. But, whether the fact were so, or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times, that I consider the power of taxing in parliament as an instrument of empire, and not as a means of supply.

Such, Sir, is my idea of the constitution of the British empire, as distinguished from the constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole; whether to serve a fining speculatist, or a factious demagogue, I know not; but enough surely for the ease and happiness of man.

Sir, whilst we held this happy course, we drew more from the colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war. It has never been once denied — and what reason have we to imagine that the colonies would not have proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course; by attempting to take, instead of being satisfied to receive? Sir William Temple says, that Holland has loaded itself with ten times the impositions which it revolted from Spain, rather than submit

to. He says true. Tyranny is a poor provider. It knows neither how to accumulate, nor how to extract.

I charge therefore to this new and unfortunate system the loss not only of peace, of union, and of commerce, but even of revenue, which its friends are contending for. — It is morally certain, that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the provinces never could have pursued, even in that light, a course more directly repugnant to their purposes.

Now, Sir, I trust I have shewn, first on that narrow ground which the honourable gentleman measured, that you are like to lose nothing by complying with the motion, except what you have lost already. I have shewn afterwards, that in time of peace you flourished in commerce, and when war required it, had sufficient aid from the colonies, while you pursued your antient policy; that you threw every thing into confusion when you made the stamp-act; and that you restored every thing to peace and order when you repealed it. I have shewn that the revival of the system of taxation has produced the very worst effects; and that the partial repeal has produced, not partial good, but universal evil. Let these considerations, founded on facts, not one of which can be denied, bring us back to our reason by the road of our experience.

I cannot, as I have said, answer for mixed measures; but surely this mixture of lenity would give the whole a better chance of success. When you once regain confidence, the way will be clear before you. Then you may enforce the act of navigation when it ought to be enforced. You will yourselves open it where it ought still further to be opened. Proceed in what you do, whatever you do, from policy, and not from rancour. Let us act like men, let us act like statesmen. Let us hold some sort of consistent conduct. — It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium.

On this business of America, I confess I am serious, even to sadness. I have had but one opinion concerning it since I sat, and before I sat in parliament. The noble lord * will, as usual, probably, attribute the part taken by me and my friends in this business, to a desire of getting his places. Let him enjoy this happy and original idea. If I deprived him of it, I should take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit; and indeed blows much heavier, than stand answerable to God for embracing a system that tends to the destruction of some of the very best and fairest of his works. But I know the map of England as well as the noble lord or as any other person; and I know that the way I take is not the road to preferment. My excellent and honourable friend under me on the floor †, has trod that road with great toil for upwards of twenty years together. He is not yet arrived at the noble lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow; because I know they lead to honour. Long may we tread the same road together; whoever may accompany us, or whoever may laugh at us on our journey! I honestly and solemnly declare, I have in all seasons adhered to the system of 1766, for no other reason than that I think it laid deep in your truest interests — and that, by limiting the exercise, it fixes on the firmest foundations a real, consistent, well-grounded authority in parliament. Until you come back to that system, there will be no peace for England.

The House divided on Mr. Fuller's motion: Yeas 49: Noes 182. So it passed in the negative.

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* Lord North. † Mr. Dowdeswell.

Bill for Regulating the Government of Massachuset's Bay.

May 2.

THE Boston port bill formed only one part of the coercive plan proposed by the ministry as the effectual method of bringing America into obedience. Others of a deeper and more extensive nature were behind, and appeared in due time. Soon after the rejection of Mr. Fuller's motion a bill was brought in for "the better regulating government in the province of Massachusett's Bay." The purpose of this bill was to alter the constitution of that province as it stood upon the charter of King William; to take the whole executive power out of the hands of the democratic part, and to vest the nomination of counsellors, judges, and magistrates of all kinds, including sheriffs, in the crown, and in some cases in the king's governor, and all to be removeable at the pleasure of the crown. On the third reading of this bill,

Mr. Burke said:

I have little to say, Sir; but what I have to offer, I shall offer with freedom. It has been asserted, that the nation is not alarmed, that no petitions of discontent are received. How can persons complain, when sufficient time is not given them to know what you are about? We have now seen the whole of this great work; I wish all was good that it contained. I am afraid a long series of labours and troubles will succeed. The question that is before you is a great one; it is no less than the proscription of provinces, and cities, and nations, upon their trial; except that when the saints of God are to judge the world, I do not know one of greater importance. I will endeavour to comply with the temper of the House, and be short in what I have to offer. [The House being noisy, and several members going out, Mr. Burke got up and said,] I find, Sir, I have got my voice, and I shall beat down the noise of the

House. Why did I compromise? [Here he produced the letters from Lord Hillsborough to the Americans, which declared, that his majesty or his ministers, had not any intention of laying any further taxes on America]. He dwelt some considerable time on the words which the letter contained, as a sort of declaration to the Americans that they should not be taxed. If you govern America at all, Sir, it must be by an army; but the bill before us, carries with it the force of that army; and I am of opinion, they never will consent without force being used. I have to protest against this bill, because you refuse to hear the parties aggrieved. Consider what you are doing, when you are taking the trial over the Atlantic seas, 3,000 miles, to Great Britain; witnesses may be subpœnaed, and called upon by the prisoner, as many as he pleases. Let me, for God's sake, beg that gentlemen would think a little more, that a fair trial may be had in America; and that while the king appoints the judge, there is a degree of fairness that the people should appoint the jury. Repeal, Sir, the act which gave rise to this disturbance; this will be the remedy, this will bring peace and quietness, and restore authority; but a great black book, and a great many red coats, will never be able to govern it. It is true, the Americans cannot resist the force of this country, but it will cause wranglings, scuffling, and discontent. Such remedies as the foregoing will create disturbances that can never be quieted.

The bill was read the third time and passed.

BUDGET FOR 1774.

May 18.

THIS day Lord North opened the Budget for the year 1774. Upon this occasion,

Mr. BURKE said:

The noble lord has taken such a circuit, that it will be no easy matter to follow him: he has encompassed the world, gone into all parts of the globe, given an historical detail which includes the operations of ages, and touched upon every circumstance in the administration of affairs, that can either call down applause or raise resentment; and not content with giving an account of the services and ways and means of this country, he has translated the budget of the Abbé de Terray, and examined, by the nicest rules of criticism, the management of the French finances. Not content with this, he has taken a new office upon him, and carried up a complimentary address to the new monarch at Versailles; he has given him encomiums—he is prudent, pacific, and an economist. All this is a very great scope; great enough, Sir, and sufficient for the noble lord's abilities, without going out of his way to insult the character of a man not present to defend it—of a man, Sir, who has abilities to reply to the noble lord's eloquence, and whose firmness, integrity, and love of his country render him a proper object for attacks from the noble lord. He has told us, that the western counties being fertile, not in the production of apples only, but of financiers, the cyder act came to be repealed. While they are fertile in the production of such men as my right honourable friend, they produce the greatest and most glorious crops that can honour or adorn a country. Sir, the composition which the noble lord speaks of was the disgrace of that tax, as it is of all others. A man of 4,000l. a year could compound for 40s. but how could the cottager compound?

What a farce to rest the oppression of a tax on the wealthy, who can buy it off!

With relation, Sir, to that part of the noble lord's speech to which he made such haste to get — the state of France, I readily allow that the information which I have been able to get, (some of which I have reason to believe is very good,) pretty much confirms the account the noble lord has given. I cannot agree with my honourable friend (Colonel Barré) in his ideas of the point. France certainly cannot be in any flourishing situation, while her finances carry such an appearance; these depend on the wealth of the people; and if they were so rich, the Exchequer would taste the sweets of it more. Besides, Sir, the expences are beyond all measure ruinous. I have pretty good authority for saying, that the king draws after him a personal expence of between three and four millions sterling; and this is an article so rooted, and so vicious in its principle, that no act of the minister can either lessen or controul it. There is another article which does not appear in the military roll, which is that of fortifications: it is amazing what a sum of money is expended, or at least lavished under this head. Several well-informed persons have assured me, that this article equals the annual pay of all the troops; and in its very nature it is open to an infinity of abuses. Certain it is, that they have great resources in the system of their taxation; that no body can deny; how likely they are to adopt improvements is another matter. But the noble lord, in his panegyric on the new king, tells us, that if he is an economist, he will not go to war with his neighbours. But can the noble lord want to be told, that princes may be economists for very different than pacific views? Let him turn his eyes towards the great master of politics and oppression, the Prussian monarch, who is a very pattern of economy, and for what purpose, but to keep immense armies, which he pours into the territories of his neighbours with as little conscience as notice? This might convince him, that the

French monarch is not the less to be dreaded on account of economy.

The noble lord, with much exultation, very ill-placed, I think, has told us the national honour does not consist in being the busy meddlers in every European quarrel; and in terms which wanted no explanation, severely condemned the whole system of British politics from the Revolution. He has his system, we well know, though not the author of it; but he and his friends would have been more consistent, had the least opposition ever once been heard from them to continental measures, when in their meridian. But the system is that of blindness and infatuation, held forth as an excuse for that conduct which saw Corsica seized in one part of Europe, and Poland dismembered in another, with the most torpid indifference; when, by having a little of that busy spirit of intermeddling, both might have been prevented by mere force of negociation, had the powers of Europe any respectable idea of this country, once the refuge and protectress of distressed nations. But the time will come, when the new system will be seen in all its impotence and folly; and when the balance of power is destroyed, it will be found of what infinite consequence its preservation would have been.

The noble lord has apologized for the greatness of our military establishment, by telling us that our enemies may begin with us in the next war with as little ceremony as we began with them; but herein he speaks against reason and experience. A great establishment may impoverish, but cannot preserve you; it is impossible for you to have one sufficient for that; if you are secure of peace, it will be too great; if you are in real danger of war, it will ever be too small and insufficient in the hour of want: it is also useless, for a nation can never be surprised: it is talking absurdly to suppose it; a minister who finds himself unexpectedly in a war would deserve to be hanged for a blockhead. Watch the merchants, who read the political hemisphere admirably, and whose motions will always tell you where they apprehend a storm. It is im-

possible for a minister of sagacity to be deceived: he will have sufficient notice when any state intends hostilities to prepare for it. But for what do you keep ambassadors, those licensed spies? Are they sent to all the courts of Europe in order to render their country ridiculous? What a bungling system of politics it must be, where a minister is possessed of every means of certain intelligence, and yet talks of a great peace establishment as a means of security against a surprise. Here, therefore, is an instance wherein administration might, upon the principles now avowed, save millions every year to their country.

The noble lord has thrown out much ridicule on those he is pleased to call the orators. He tells you, sarcastically, that the House is much obliged to gentlemen who take the trouble of opposing administration, in order to keep up a proper spirit of enquiry. Upon my word, Sir, the man who honestly and sincerely opposes what he thinks a bad administration, and who persists in it, while others, equally professing, gradually are tired and fall off, is a true and sincere friend to his country; is honest, and not that contemptible being which ministerial followers are so fond of representing him. There are such men in this House, and I trust and hope it never will be without them.

QUEBEC GOVERNMENT BILL.

June 10.

TOWARDS the close of the session a bill passed the Lords, and was brought down to the Commons, "for making more effectual provision for the government of the province of Quebec in North America." The principal objects of the bill were to ascertain the limits of that province, which were extended far beyond what had been settled as such by the king's proclamation of 1763: to form a legislative council for all the affairs of

that province, except taxation, which council should be appointed by the crown, the office to be held during pleasure; and his majesty's Canadian Roman Catholic subjects were entitled to a place in it: to establish the French laws, and a trial without jury, in civil cases, and the English laws, with a trial by jury, in criminal; and to secure to the Roman Catholic clergy, except the regulars, the legal enjoyment of their estates, and of their tythes from all who are of their own religion. The bill received in the course of its progress through the Commons many amendments, so as to change it very greatly from the state in which it came down from the Lords; but the groundwork remained the same. On the 10th of June, Sir Charles Whitworth having reported the bill, with the amendments that had been made, Mr. Mackworth moved, that a clause should be added to the bill, "That in all trials relating to property and civil rights, where the value shall exceed a certain sum, either of the contending parties may demand a trial by jury, constituted according to the laws of England, and that the issue between the parties shall be determined by the verdict of such jury, and not otherwise." He recommended the clause as a security for the English in Quebec against the French laws. After the clause had been opposed by Lord North, Mr. Attorney General Thurlow, and Mr. Solicitor General Wedderburn; and supported by Mr. Serjeant Glynn and Mr. Dunning,

Mr. BURKE, in a long speech, the first part of which was a keen pointed vein of humour against the ministerial members, who just then came into the House in great numbers, said, he should not then have risen, only he thought he now seized a happy moment when he should carry his point, for the House had filled, all of a sudden, with members who had not heard any thing that had been said against the bill, no not even from its being first agitated in the House; that they had now come with good English dinners in their bellies, which would, he trusted, make them good-humoured, and by being thus full of English meat, they would undoubtedly be for English laws, that could secure to them that meat; that he should have been afraid to attack such a body of power and wisdom as the other side of the House contained, had he not fortunately

observed, that the noble lord, and his two great oracles of wisdom and order, had all differed in their opinions; that finding them thus at variance, he thought the moment would be fortunate to his cause; the one was for a jury, only now was not the proper time; the other against any jury at all; and a third that it could not be inserted in the bill. He then divided the people concerned in the bill under three heads: first, the English merchants; second, the English subjects; and, thirdly, the Canadians. He said they all deserved support; and though the noble lord and his supporters had so industriously always made use of the number 360 as suitable to their cause, let them only recollect what all the evidence at the bar agreed in, which was, that the English subjects were possessed of upwards of two-thirds of the whole trade: did the noble lord think, then, that they were a body of people to be minded? That as to their numbers being small, the noble lord might recollect, that there was an old vulgar saying, "that one Englishman was always worth two Frenchmen;" that, in this case, he thought them preferable to fifty Frenchmen; that he would be willing to give a Canadian every indulgence in his power, but not grant that indulgence at the expence of the English; that if these noblesse were the only persons (as they appeared to be by the evidence at the bar) that were against the English laws, he would sacrifice them, and all the noblesse of England and other countries, but he would make the majority of the people happy. But the reason the noblesse did not like the English laws, was on account of the manner in which they had been represented to them; namely, that they were a string of religious and civil persecutions, which would entirely hinder them either from exercising their own religion, or from having any share in the government of their own country; that, remove those prejudices which the noblesse had imbibed from misrepresentations, and he would be bound to say they would not only admire our laws, but petition to have them; that as to the noblesse hating juries, because it trusted their property to their inferiors, it was a principal reason why he would give the Canadians a

jury, in order to protect their property from the arbitrary proceedings of the noblesse, who, in all countries, always wished to have the poor under their controul; that as to the English laws not being esteemed by the French, he could produce mountains of books, written by Frenchmen, on the justness and excellency of our laws, where they approved of the trial by jury as one of the greatest excellencies our constitution produced; that the noble lord had invited him and others to come and offer their opinions, setting forth, that the bill was imperfect, and he wished to alter it, yet he had not attended to what had been offered; that, in the committee, when he meant to propose a clause, the noble lord told him he might do it with propriety on the report, and that there would be no other obstacle in his way, than that he would oppose it. He said he was greatly obliged to the noble lord for his candour, for it had spared him much trouble, having intended to offer several clauses, which he should, with great justice, be called obstinate, were he now to attempt, when he knew there was such a glorious triumvirate of power and wisdom formed against him; that he sincerely believed the French were in awe of us, yet he could not help thinking, that they must be astonished that a people who had such powerful arms should have such weak heads. He strongly recommended the state of the merchants as an object of the noble lord's attention, setting forth, that their property was always in a fluctuating state, and that they ran great risks of losing their whole fortune, in order to benefit government as well as themselves.

On the the question being put, the clause was negatived by 83 against 40. After which the bill was passed.

Exclusion of Strangers from the Gallery of the House.

December 12.

THIS day Mr. Thomas Townshend took occasion to lament, that the gallery doors of the House were shut against the peers; since by that means several young lords, who wished to hear and be instructed, were deprived of the privilege. He by no means meant to open the gallery for the admission of peers, with a view to influence them to open their doors; but as both Houses had acted absurdly, in his opinion the first that corrected the absurdity would stand on the highest ground. Mr. Rice said he had no objection to the doors being opened, but as the behaviour of the Lords had been so outrageous, he should be against allowing them any admittance, lest it should be construed as a concession; that the question, whether the doors of the House of Lords should be open had lately been discussed, and they had absolutely refused to let them. Mr. Hans Stanley gave it as his opinion, that all strangers, whenever it was convenient with respect to room, should be admitted into the gallery. Sir Gilbert Elliot was not only for admitting peers and their sons, but the sons of members also. Since the Lords had behaved improperly, he thought the Commons should set them the example of good manners. Colonel Barré said, he had been told, that, in the latter end of the reign of George the First, or the beginning of George the Second, a like affair happened; both Houses having shut the doors against each other: upon which John Duke of Argyle gave it as his opinion, that the peers of the land, by their birth and education, ought to be more polite and have better manners than the Commons, and that, therefore, it was expedient in them to set the Commons an example and open their doors.

Mr. Burke began with saying, that he by no means agreed with the Duke of Argyle, that the peers of the realm had more manners than the Commons. He next touched

upon the pride of the peers, and said he apprehended more true politeness was to be found among the country gentlemen. He then argued in favour of opening the doors of both Houses on the principle of duty, declaring that if he could do his duty completely without, he would never desire to enter the doors of the House of Peers; but he was very well convinced, that upon certain occasions it was absolutely necessary the members should have free access to their respective Houses; that a great commercial bill, the importation of provisions from Ireland, would probably have been lost, if he had not had access to the House of Peers, to explain the principles on which that bill went; and that if the doors of that House had not been shut against the Lords last session, the bill for the security of literary property would never have been rejected with such contempt, after it had passed the House of Commons; for if the young peers had come down and heard the arguments on it, it would have met with a different fate.

Here the matter dropped.

PETITIONS FOR RECONCILIATION WITH AMERICA.

January 23. 1775.

IN the month of January 1775, numerous petitions were presented from the great mercantile cities and towns, praying parliament to desist from those proceedings which had occasioned the American association so prejudicial to commerce. On the first petition from the merchants of London, a strenous debate arose. Mr. Alderman Hayley, who presented it, moved that it should be referred to the committee who were appointed to take into consideration the papers relating to the disturbances in North America. This seemed to be so natural, and so much a matter of course, as scarcely to admit of a controversy. Ministers, however, opposed the motion. A separate

committee for the consideration of the Merchants' Petition was proposed, and Sir Wm. Meredith, after submitting to the House, whether a speedy reconciliation was practicable or consistent with such a length of enquiry as the worthy Alderman's motion led to, moved, that it should be referred to a committee on the 27th, the day succeeding that on which the committee was to take the American papers into consideration.

Mr. BURKE said, he was glad to hear the right honourable gentleman talk of a speedy reconciliation, and therefore must conclude that the price of his bargain with the minister when he went over to his party, was a "speedy reconciliation;" yet at the same time he was sorry to see how knavish the noble lord had been, for instead of putting into his hand the reconciliatory measures, he had slipped into his hand a wand, which wand was now become one of the main pillars of administration. He proceeded to shew how materially the trade and commerce with America ought to be considered before any decisive steps were taken, and declared himself totally ignorant that the committee appointed for the 26th, were to take into consideration the papers only which lay on the table. He insisted that every information possible would add to the dispatch, and not to the delay of a reconciliation; that as the noble lord (North) had denied them the opinions of persons on the spot, the committee could not receive more material information than from the merchants trading thither, who were greatly interested in the welfare of the colonies. If there was not time sufficient to settle the American business, was not the noble lord in fault in adjourning a month to eat mince pies and drink Christmas ale, when so material a question was depending? He called the proposed committee a Coventry committee, in allusion to a well known practice, by which a troublesome person is voted to be sent to Coventry, whereby, without turning him out of company, he is wholly excluded from all attention; may be ridiculed and laughed at, and cannot interfere in his own defence. He also called it a Committee of Oblivion, consigning every thing the merchants could allege to entire oblivion. He congratulated the

ministry on such a friend as Sir William; the merchants on such an able and powerful advocate; the cabinet on such a counsellor; the right honourable gentleman himself on such a patron; and the king and parliament on the happiness of having so respectable a person in a situation to reciprocally impart the desires and wishes of either party to each other. He prophesied the most salutary effects from so happy a beginning. He compared the right honourable gentleman to Sampson, and the ministers and the friends of the declaratory act, and all the revenue acts, to the Philistines; and supposed himself to be involved in the ruin, which must follow from pulling down the pillars which had supported the system of destructive policy and oppression, which the right honourable gentleman contended ought to have been resisted. In a word, Mr. Burke turned, twisted, and metamorphosed every thing which the right honourable gentleman had advanced into so many ridiculous forms, that the House was kept in a continued roar of laughter.

The House divided on Sir William Meredith's amendment: Yeas 197: Noes 81.

Mr. BURKE, then, in a very severe speech, which he pointed chiefly at Lord North, condemned the behaviour of administration in this business; declaring that they had, for decency's sake, admitted the petition, but had determined that it should never be heard. He said, he had a petition in his hand from the principal merchants in Bristol trading to America; yet, as he found there were two committees now, the one for hearing evidence, the other for burying petitions, he plainly saw his petition would share the fate of the other, and be buried in oblivion, though not in sure and certain hopes of a joyful resurrection; that his worthy colleague, Mr. Cruger, had likewise a petition of the merchants of Bristol to present, but it would go to the silent committee, and the three, he imagined, would be left to sleep together. He concluded, with asking leave to present his

petition, which being granted, he made the same motion as Alderman Hayley, for its being referred to the committee on the 26th.

The motion was negatived by 192 against 65.

January 26.

The merchants of London, displeased with this reference, presented a second petition, lamenting the late decision, by which their former petition was referred to a separate committee, and by which they were absolutely precluded from such a hearing in its support, as could alone procure them that relief which the present deplorable state of their trade required. Mr. Alderman Hayley moved, "That the order for referring the petition to a separate committee should be discharged, and that it should be referred to the committee of the whole House appointed to consider the papers relating to the disturbances in North America." The motion was opposed by Mr. Hans Stanley and Mr. Jenkinson, and supported by the gentlemen in the minority. Mr. Lewis thought the American merchants came too late; that they ought not to have been silent so long; and that having so long confided in parliament, they ought to continue that confidence. Mr. Jenkinson said, that parliament had a right to regulate the internal concerns of America. He instanced an act for regulating their paper currency; and from their submission to that, he concluded they ought to submit to every act of English legislature. He entertained no doubt that some resolutions for preserving the supremacy would answer every end of the merchants' petition, and restore trade.

Mr. BURKE treated the talk of paper currency with very little respect, and said that Mr. Jenkinson's discourse had not the most remote tendency to prove this, or any other point. For what argument, said he, can be drawn from the instance of an act to prevent paper currencies, to prove that the merchants of London ought not to be heard in the American committee? The most depreciated paper currency ever issued by Rhode Island, in its worst times,

was not more different from good money than this talk from sound argument. The other gentleman (Mr. Lewis) was sitting member last parliament. I thought he had a good right to his seat. I lamented that the public had for seven years been deprived of the benefit of his talents; but suppose this had been the same parliament whose acts he defends, and of whose injustice he was the protomartyr, that he had till the last session been silent, and that his modesty had persuaded him to defraud the House of the benefit of his talents to the last hour, would that septennial silence of his argue that he ought not to be heard at the end of the seven years, when he at last chose to interfere in the debates? Then we should have heard him patiently and calmly: nay, if his argument had required an answer, we should have answered him. He then turned to Sir Gilbert Elliot, who in the former debate had argued, that the House was already perfectly acquainted with the trade and its importance, and admitted in its full extent whatever the merchants could allege. He said that this gentleman was rather too ready to take the measure of mankind from himself; and because he was so very knowing, did not sufficiently condescend to the ignorance of others. But whatever the knowledge of any individual in the House might be, there was a *great difference* between knowing and feeling. That the honourable gentleman could easily abstract and generalize his ideas even to the *genus generalissimum*; but the nature of mankind was such, that general observations affected their minds in a slight and indistinct manner, when the detail of particulars, and the actual substance of things, made a most forcible impression. He illustrated this by a story of a learned prince, who was of the same part of the island to which we owed the honourable gentleman. James the First, as Osborne tells the story, having ordered a present of 20,000*l.* for one of his favourites, his treasurer, a wary and prudent minister, well read in human nature, and knowing how little the general expression of things operated, and that the words 20,000 pounds were as easily pronounced as 20,000 farthings, con-

trived to place the whole sum in a vast heap before the king's eyes as he passed to his levee, in good Jacobuses: when the king was taken out of his generals, and saw the money itself spread out before his eyes, he was frightened at what he was about, and threw himself in great agony on the mass of gold, and scrambling up a handful or two, "there," said he, "ge'en that, that's enough." Now, said Mr. Burke, if we are to be generous in sacrificing our trade to our dignity, let us know what the value of the sacrifice is that we make; let us not be generous in the dark; true generosity is to give, and see, and know whatever we give. Let us, then, see this thing, this trade, we are to give up for our dignity. Your dignity may be worth it all, but let us be informed by the merchants what all really is. To be generous, without knowing what we give, is not liberality, but negligence; and fearlessness arising from ignorance, is not courage but insensibility. He said that the reason given by those who sent the petitions to the Coventry committee, for not referring them to that on the American papers, was of a most extraordinary and unheard of nature? it was, that the resolutions of that committee were to be solely on the grounds of policy, and that the commercial examination would delay the measures necessary for the coercion of America. This was to anticipate and predetermine the future proceedings in a committee, as a reason for keeping information from it. How did they know what measures would be pursued there, and on what principles? Was there any instruction to the committee so to confine itself? Or was it that the ministry had already not only solved what that committee was to do, but reckoned upon it so much as a certainty, and as a matter so justifiable, that they did not scruple to avow it, and to make it a ground of argument for what the House ought or ought not to have brought before its committee? This proceeding he thought no less alarming than unprecedented. If they meant hostility, the reason they gave for not hearing was the strongest for it. But as their war ever must be dependent upon their finances, and their finances must depend upon their com-

merce, the true state of that commerce was necessary to be known, especially as colonies and commerce were inseparably connected.

Having thus pleaded for the necessity of hearing the petitioners, Mr. Burke proceeded to lament the national calamities about to befal this devoted kingdom. Besides the horrors of a civil war, besides the slaughtered innocents who were to be victimated to the counsels of a ministry precipitate to dye the rivers of America with the blood of her inhabitants; besides these disasters, an impoverished revenue; famished millions; the stagnation of manufactures; the total overthrow of commerce; the increase of the poor's rate; the accumulation of taxes; innumerable bankruptcies; and other shocks which may make the fabric of public credit totter to its basis: these were all depicted in the strongest colours by Mr. Burke. He professedly reserved himself, however, for that day when, if properly supported by the people, he vowed by all that was dear to him here and hereafter, he would pursue to condign punishment the advisers of measures fraught with every destructive consequence to the constitution, the commerce, the rights and liberties of this country.

Mr. Burke concluded his animated harangue by quoting an instance, related in history, of an archer about to direct an arrow to the heart of his enemy, but found that in his adversary's arms was enfolded his own child. This singular incident he recommended with cautionary admonition to those statesmen who had in contemplation the destruction of America, unmindful that they could not accomplish so baneful a purpose, without at the same time plunging a dagger into the vitals of Great Britain. Let your commerce, said Mr. Burke, come before you — see whether it be not your child that America has in its arms — see of what value that child is — examine whether you ought to shoot; and if you must shoot, shoot so as to avoid wounding what is dearest to you in the world. Without examining your trade you cannot do this.

The House divided on the motion for the discharge of the order: Yeas 89: Noes 250. So it passed in the negative.

January 31.

Mr. BURKE moved, "That it be an instruction to the committee of the whole House, to whom the petition of the merchants, traders, and others, of the city of London, concerned in the commerce of North America, is referred, that they do inquire into the manner of procuring and signing the petition of the inhabitants of the town and neighbourhood of Birmingham, which was presented to the House upon Wednesday last; and also the petition of sundry merchants, factors, and manufacturers of Birmingham, in the county of Warwick, on behalf of themselves and others in that neighbourhood, who are interested in the trade from thence to North America, which was presented to the House upon Friday last; and how far the persons severally signing the same are concerned in the trade to North America."

This brought on a debate respecting the manner in which the petitions had been signed, and by whom; it was asserted, that the first petition from Birmingham was signed by persons not concerned in the trade to North America, and therefore ought not to have the least weight with parliament; that the second petition from Birmingham being signed by the persons really interested, merited a serious consideration. Sir W. Bagot having opposed the motion,

Mr. BURKE replied, that the persons who signed the first petition were not in the least concerned in the trade to North America, and that they chiefly consisted of shopkeepers. He then read a paper, containing an account of the manner in which the petition was procured, viz. "On the 11th January 1775, a meeting of the merchants, traders, &c. of Birmingham, was held, to consider of proper methods to be pursued on account of the alarming situation of

their trade,' when it was unanimously resolved to wait and see what the North American merchants in London did, and to be guided by them. On the 17th, another meeting was held, when it was likewise resolved to petition parliament. At this meeting a Mr. Bolton said, he did not think petitioning would have any good effect; but he had a friend next him, Dr. Roebuck, who knew more of the matter. Dr. Roebuck, after apologizing for his neither being a trader nor inhabitant, desired them by no means to petition parliament, for, by a conversation he had lately with a lord of the treasury, he was acquainted that a petition to Lord North would be much better, he being the only person that could give them redress; and that, to his certain knowledge, there was at that time in the House of Commons four members to one determined to execute the laws in force against America. In this manner did Dr. Roebuck endeavour to hinder the people from petitioning parliament; but, notwithstanding his endeavours, a committee was appointed, and a petition prepared, which, after a few amendments, met with almost universal approbation, and public notice, by advertisement, was repeatedly given, that it lay at the Dolphin in Birmingham to be signed. In the interim the petition in question was procured by Dr. Roebuck, and carried about from house to house clandestinely, without the least notice to be signed."

The House divided on Mr. Burke's motion: Yeas 37: Noes 85. So it passed in the negative.*

* The thanks of the merchants, traders, and manufacturers of Birmingham, concerned in the trade to America, were given to Mr. Burke for his conduct in this business. The following is a copy of the letter of thanks:

"To Edmund Burke, Esq.

"Sir; Birmingham, Feb. 8. 1775.

"The merchants and manufacturers who have had a principal share of the American trade from this town and neighbourhood, beg your acceptance, through our hands, of their warmest acknowledgments for

Address on the Disturbances in North America.

February 2.

On the 2d of February, in a committee of the whole House on the papers relating to the disturbances in North America, Lorth North moved, "That an humble Address be presented to his majesty, to return his majesty our most humble thanks, for having been graciously pleased to communicate to this House, the several papers relating to the present state of the British colonies in America, which, by his majesty's commands, have been laid before this House, and from which, after taking them into our most serious consideration, we find, that a part of his majesty's subjects in the province of Massachuset's Bay have proceeded so far to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province; and we see with the utmost concern,

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your liberal support of our petition to the honourable House of Commons, wherein are stated the evils we already feel, and the greater we have yet to apprehend from a continued stagnation of so important a branch of our commerce as that with North America.

"At the same time we also unite in expressing our particular thanks for the motion you was pleased to make for an enquiry into the manner of both the late petitions from the town of Birmingham having been obtained, an enquiry which could scarcely have failed to give some useful intelligence, and to have fully justified our application to parliament at so critical a juncture.

"We cannot wonder, Sir, that defamation should have made its appearance on such an occasion as this, which is the notorious evidence of a weak cause, and whose mischiefs we are persuaded will be as transient as its efforts have been intemperate.

"We only take the liberty, therefore, of adding our sincere wishes, that you may long fill your distinguished place in the British Senate, and that your persevering endeavours to preserve the rights of the subject, to maintain the prosperity of our commerce, and to secure the tranquillity of this extensive empire, may meet with a success adequate to the patriotic zeal with which they are animated. Being with the greatest regard, Sir, your's, &c."

that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by his majesty's subjects, in several of the other colonies, to the injury and oppression of many of their innocent fellow subjects resident within the kingdom of Great Britain and the rest of his majesty's dominions; this conduct on their part appears to us the more inexcusable, when we consider with how much temper his majesty and the two Houses of parliament have acted, in support of the laws and constitution of Great Britain; to declare that we can never so far desert the trust reposed in us, as to relinquish any part of the sovereign authority over all his majesty's dominions, which by law is vested in his majesty and the two Houses of parliament; and that the conduct of many persons, in several of the colonies, during the late disturbances, is alone sufficient to convince us how necessary this power is, for the protection of the lives and fortunes of all his majesty's subjects; that we ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of his majesty's subjects, which shall in a dutiful and constitutional manner be laid before us; and whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence; but that, at the same time, we consider it as our indispensable duty, humbly to beseech his majesty, that his majesty will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and that we beg leave, in the most solemn manner, to assure his majesty, that it is our fixed resolution, at the hazard of our lives and properties, to stand by his majesty, against all rebellious attempts, in the maintenance of the just rights of his majesty and the two Houses of parliament." This motion occasioned a spirited debate. It was supported by the Attorney and Solicitor General, and opposed by Mr. Dunning, Mr. Grenville, Mr. Fox, and Mr. Burke.

Mr. BURKE applied his argument to that prevalent idea, which alone, he said, could make one honest man the advocate for ministerial measures, namely, that the Americans attacked the sovereignty of this country. He said the Americans did not attack the sovereignty itself, but a certain exercise and use of that sovereignty; that no tyranny itself found a justification in the mere plea of un-

limited authority. He stated seven acts of tyranny which justified resistance. He shewed, that the cause of the late rebellion at home, and these disturbances in America, differed widely; that the trade of the country was little affected by those rebellions; that our trade at present was the primary object; that the object of that rebellion was to set an unnatural tyrant on the throne; that he feared the Americans were now what we were then; and were struggling that an insufferable tyranny should not be established over them. He represented the delusion practised by ministry, who in all their speeches argued that Boston alone was in rebellion, and that it was an affair with Boston only; but he shewed, from clear and positive facts, that all America was concerned. He proved, that from one end of the continent to the other, the like resistance had been found; and he pressed the independent members to consider that; for he said, if people were once convinced that the mischief was so wide, they would think a little more seriously what might have been the cause of so general a discontent, and might wish to apply other remedies than fire or sword. He said, that their definition of rebellion was the oddest he had ever heard; it must be the destruction of tea; but burning tea was not in their definition rebellion, for such a place had burnt it; that spoiling it in damp vaults was not in their definition, for it had been so treated in such a place. Now, to answer their definition of rebellion, tea must be drowned like a puppy dog; and even that was not quite enough; it must be drowned, and drowned at Boston. This was their definition of rebellion. He exerted himself to deprecate the shameless tyranny we exercised. He said he abhorred political as much as he did religious persecution. His heart seemed engaged. He mentioned with horror the idea of tearing a man from his family and friends the other side of the Atlantic, and tearing his heart out in Smithfield, styling it the heart of a traitor, because he would not believe in virtual representation, and that America was part of the manor of Greenwich. He said, he had two years before called the attention of the House to Vir-

ginia, the mother colony; and shewed that in all their proceedings Virginia had taken the lead; and that therefore it was plain it was not Boston, but America; and if we meant a war with the whole, we ought, with our eyes open, to prepare for that, and not for a scuffle with Boston. You have, said he, your option, America or this ministry; and he exposed with all his wit, the absurdity of balancing in such a choice.

The Address was agreed to by a majority of 288 against 105.

LORD NORTH'S PROPOSITION FOR CONCILIATION WITH AMERICA.

February 20.

THIS day Lord North brought forward his proposition for conciliating the differences with America. Adverting to the terms of the recent address to the king upon the disturbances in North America, he observed, although parliament could never relinquish the right of taxation, yet if the Americans would propose means of contributing their share to the common defence, the exercise of the right might without hesitation be suspended, and the privilege of raising their own portion of contribution conceded to the colonists. This being the sense, and, he believed, the very words in which he moved the address, he proposed as a resolution, "That it is the opinion of this committee, that when the governor, council, and assembly, or general court, of any of his majesty's provinces or colonies in America, shall propose to make provision according to the condition, circumstances, and situation, of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the general court, or general assembly, of such province or colony, and disposable by parliament,) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be

proper, if such proposal shall be approved by his majesty and the two Houses of parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duty, tax, or assessment, or to impose any farther duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the net produce of the duties last mentioned to be carried to the account of such province or colony respectively." In the course of the debate to which this proposition gave rise,

Mr. BURKE declared, that he came to the House this day, upon the report of a change of measures, with a full resolution of supporting any thing, which might lead in any way towards conciliation; but that he found the proposition altogether insidious in its nature, and therefore purposely rendered to the last degree obscure and perplexed in its language. Instead of being at all fitted to produce peace, it was calculated to increase the disorders and confusions in America; and therefore he never could consent to it. He readily admitted, that the proposition was a contradiction to every thing that parliament had declared; a shameful prevarication in ministers; and a mean departure from every declaration they had made. He was however willing to purchase peace by any humiliation of ministers, and, by what was of more moment, even by the humiliation of parliament. But the measure was mean indeed, yet not at all conciliatory. The mode of argument, on the side of administration, was, he said, the most ridiculous that ever had been known in parliament. They attempted to prove to one side of the House, that the measure was a concession; and to the other, that it was a strong assertion of authority—just on the silly principle of the tea act, which to Great Britain was to be a duty of supply, to the Americans, a tax of regulation. He was equally surprised, he said, by another extraordinary phænomenon. Up to this day, during the whole course of the American debates, the ministry had daily and hourly denied their having any sort of contest about an American revenue

that the whole was a dispute for obedience to trade laws, and to the general legislative authority. Now they turned short; and to console our manufacturers and animate our soldiers, they told them for the first time, "the dispute is put on its true footing, and the grand contest is, not for empty honour, but substantial revenue." But manufacturers and soldiers, said he, will not be so consoled or so animated; because the revenue is as much an empty phantom as the honour; and the whole scheme of the resolution is oppressive, absurd, impracticable, and what, indeed, the ministers confess the Americans will not accept; nay, what they own America has already rejected. It is oppressive, because it was never the complaint of the Americans that the mode of taxation was not left to themselves; but that neither the amount and quantum of the grant, nor the application, was in their free choice. This was their complaint, and their complaint was just. What else is it to be taxed by act of parliament in which they are not represented, but for parliament to settle the proportion of the payment, and the application of the money? This is the purport of the present resolution. If an act of parliament compelled the city of Amsterdam to raise an hundred thousand pounds, is not Amsterdam as effectually taxed without its consent, as if duties to that amount were laid upon that city? To leave them the mode may be of some ease as to the collection; but it is nothing to the freedom of granting; in which the colonies are so far from being relieved by this resolution, that their condition is to be ten times worse that ever. I contend, that it is a far more oppresive mode of taxing than that hitherto used; for here no determinate demand is made. The colonies are to be held in durance by troops, fleets, and armies, until, singly and separately, they shall do — what? — until they shall offer to contribute to a service which they cannot know, in a proportion which they cannot guess, on a standard which they are so far from being able to ascertain, that parliament which is to hold it, has not ventured to hint what it is they expect. They are to be held prisoners of war, unless they consent to a ransom, by bidding

at an auction against each other and against themselves, until the king and parliament shall strike down the hammar, and say "enough."

This species of auction, to be terminated, not at the discretion of the bidder, but at the will of the sovereign power, is a kind of absurd tyranny, which I challenge the ministers to produce any example of, in the practice of this or of any other nation. The conduct the most like this method of setting the colony assemblies at guessing what contribution may be most agreeable to us in some future time, was the tyranny of Nebuchadnezzar, who having forgot a dream, ordered the assemblies of his wise men, on pain of death, not only to interpret his dream, but to tell him what his dream was. To set the impracticability and absurdity of this scheme in the stronger light, I ask, in case an assembly makes an offer which should not be thought sufficient by parliament, is not the business to go back again to America? and so on backwards and forwards as often as the offer is displeasing to parliament? And, thus, instead of obtaining peace by this proposition, all our distractions will be increased tenfold, and continue for ever. It is said, indeed, by the minister, that this scheme will disunite the colonies. Tricks in government have sometimes been successful; but never, when they are known, avowed, and hackneyed. The Boston port bill was a declared cheat, and accordingly, far from succeeding, it was the very first thing that united all the colonies against us, from Nova Scotia to Georgia. The idea of deducting the value of goods supposed to be taken by the colonists, because we sold cheap, at a time when we did not suffer the colonies to make a trial, and by such arithmetic to deduce the propriety of their paying in nearly an equal proportion with the people of England, was of a piece with the rest of the policy and the argument of this profound project. I strongly protest against any scheme, which shall begin by any mode of extorting revenue. Every benefit, natural or political, must be had in the order of things, and in its proper season. Revenue from a free people must be the consequence

of peace, not the condition on which it is to be obtained. If we attempt to invert this order, we shall have neither peace nor revenue. If we are resolved to eat our grapes crude and sour, instead of obtaining nourishment from them, we shall not only set an edge on our own teeth, but on those of our posterity for ever. I am therefore for the reconsideration of the resolution until it can be brought to some agreement with common sense.

The resolution was agreed to by a majority of 274 against 88.

BILL FOR RESTRAINING THE COMMERCE OF THE NEW-ENGLAND COLONIES, AND PROHIBITING THEIR FISHING ON THE BANKS OF NEWFOUNDLAND.

March 6.

ON the 10th of February, Lord North obtained leave to bring in a bill "to restrain the trade and commerce of the provinces of Massachuset's Bay, and New Hampshire; the colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the Banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a time to be limited." On the 6th of March, upon the motion that the bill be engrossed,

Mr. BURKE rose. He said he was afraid that any debate on this subject would be to little purpose. When this parliament, originally disengaged to any system, and free to choose among all, had, previous to any examination whatsoever, begun by adopting the proceedings of the last, the whole line of our public conduct was then determined. [Here the majority raised a great cry of approbation.] He said the cry was natural, and the inference from what he

had said just; that the road by penitence to amendment was, he knew, humiliating and difficult; and that the greater part of mankind were disposed, like Macbeth, to think

" I am in blood
" Stept in so far, that, should I wade no more,
" Returning were as tedious as go o'er;"

and thus they pass towards the further bank, be the channel ever so wide, or the flood ever so deep and rapid. That as this measure was in the same spirit as all the former, he did not doubt but that it would be productive of the very same consequence. That this was, in effect, the Boston port bill, but upon infinitely a larger scale. That evil principles are prolific; this Boston port bill begot this New England bill; this New England bill will beget a Virginia bill; again a Carolina bill, and that will beget a Pennsylvania bill: till, one by one, parliament will ruin all its colonies, and root up all its commerce; until the statute book becomes nothing but a black and bloody roll of proscriptions, a frightful code of rigour and tyranny, a monstrous digest of acts of penalty, incapacity, and general attainder; and that, open it where you will, you will find a title for destroying some trade, or ruining some province: that the scheme of parliament was new and unheard of in any civilized nation; " to preserve your authority by destroying your dominions." It was rather the idea of hostility between independent states, where one not being able to conquer another, thinks to reduce its strength gradually, by destroying its trade and cutting off its resources. That this mode was never used by princes towards their subjects in rebellion; the maxim in such cases always was, to cut off the rebels but to spare the country, because its strength is the strength of the sovereign himself. Here the principle was reversed; the force used against the rebels was trifling (though very expensive), but the trade, which was the wealth of the country, was to be destroyed.

Mr. Burke then entered into the difference of expence, and the loss between the two modes; and proved, in detail,

that these bills would, in all probability, cost the nation more than the maintenance of an army of 40,000 men. That when things were come to violences he thought the sword much the most effectual, and though severe, not so unjust as these universal proscriptions, because it would fall only on those who resisted. But this act confounded all kinds of people, all sexes, all ages, in one common ruin. That nothing could be at once more foolish, more cruel, and more insulting, than to hold out, as a resource to the starving fishermen, ship-builders, and the infinite number of other mechanics employed in trade and fishery, and ruined by this act, that after the plenty of the ocean, they may poke in the brooks, and rake in the puddles of their respective countries, and diet on what we considered as husks and draft for hogs. It was, he said, foolish and insulting; because, when you deprive a man of his trade and occupation, you deprive him of the means of his livelihood, if there were ever so much fish in the streams, or corn in the fields. That a shoemaker's livelihood goes when a fisherman can no longer pay him for his shoes. He has no resource in other people's plenty. How is he to get at horse-beans or Indian corn, or at the worst of food, for himself and his starving family? Then he shewed, that the ruin of the staple trade of a people involved in it the ruin of the whole community; and proved, by entering minutely into its nature and employment, that the British capital employed in the New England trade, could not possibly be turned to the British fishery; and (treating very lightly the demonstration of Euclid) he shewed, that one year's intermission of the course of the New England foreign trade would be the certain loss of the whole debt now due to the English merchants.

But the point on which he rested most, was this: the sentence was, in the mildest way, beggary, if not famine on four great provinces. The condition of their redemption was, "when it should be made appear to the governors and the majority of the council in two of these provinces, that the laws would be obeyed." By what evidence, said he, is

this to be made to appear? Who is to produce it? What facts are to be proved? What rule has the person who is to make it appear to go by? What rule have the two governors to determine so as to acquit them — in employing or in refusing, either to government here, or to the people there? You sentence, said he, to famine, at least 300,000 people in two provinces, at the mere arbitrary will and pleasure of two men whom you do not know; for you do not know who will be governors when this act takes place. And, lest these two should risk an act of mercy, you add, as a controul to them, the majority of two councils, whom you do not know, and one of them, at present, has no existence! And as to the other provinces, Connecticut and Rhode Island, the act has not left a man in these two provinces, who, by the exertion even of an arbitrary discretion, can relieve 200,000 people more, or any innocent or repenting individual, let their behaviour be what it will. A governor of another province, who can never regularly and officially know their true state, can alone be arbitrary in favour of justice.

This, said he, is because, in these two ill-starred provinces, the people chuse their governors: but is that a crime in individuals, which is the legal constitution of the country? If it be a bad one, England has given it to them, and has not taken even a step towards altering it. On this point, of the unheard-of power given to governors, of starving so many hundreds of thousands at their mere pleasure, of which, he said, no history of real, and even no fabulous invention of fictitious tyranny, had ever furnished an example, he dwelt a long time, and placed it in an infinite variety of lights; and kindled into such warmth, that he was at length called to order. But he continued to repeat the strong terms, as, he said, he had a right to give such epithets to the bill as he pleased, until it had passed the House. If that should be the case, he would then be silent, because it would be against order to speak of it as it deserved, and against prudence, to offend a body of men who had so much power, and would shew, by passing that bill, how harsh a use they were disposed to make of it.

He said, however, he was convinced, by the whole tenor of the debate, as well as by his private conversation, that most of those who would vote for this bill had never read it; that what they did was not out of malice, but out of respect to the opinions of others, who, by presenting them such a bill, shewed how little they deserved this unlimited confidence. He said, that if any were in that situation, he hoped they would have the benefit of the prayer made for those who alone had done an act worse than this, "Forgive them, they know not what they do."

The question being put, that the bill, with the amendments, be ingrossed, the House divided: Yeas 215: Noes 61.

March 8.

The bill being read a third time, Mr. Hartley moved, that the following clause be added by way of ryder: "That nothing in the act shall extend to prohibit the importation into any or either of the said provinces, of any fuel, meal, corn, flour, or victual, which shall be brought coastwise from any part of the continent of America." Upon this occasion,

Mr. BURKE was warm against the bill. It was not, he said, sanguinary, it did not mean to shed blood, but to suit some gentlemen's humanity, it only meant to starve five hundred thousand people, men, women, and children at the breast. Some gentlemen had even expressed their approbation of famine in preference to fire and sword. This bill not only had taken from these people the means of subsisting themselves by their own labour, but, rejecting the clause now proposed, took from them the means of being subsisted by the charity of their friends. You had reduced the poor people to beggary, and now you take the beggar's scrip from them. You even dash from the mouth of hunger the morsel which the hand of charity would stretch out to it. On the subject of famine he was fine and pathetic.

The clause was rejected by 188 against 58. After which the bill was passed.

Mr. Burke's Resolutions for Conciliation with the Colonies.

March 22.

ON the order of the day being read,

Mr. Burke rose and addressed the House as follows:

I hope, Sir, that notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found to my infinite surprise, that the grand penal bill by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House*. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight for ever, we are at this very instant nearly as free to choose a plan for our American government, as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrrassed (unless we please to make

* The act to restrain the trade and commerce of the provinces of Massachuset's Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were, by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honour of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains, to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas, concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concenter my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period, I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing ap-

proaching to a censure on the motives of former parliaments to all those alterations, one fact is undoubted; that under them the state of America has been kept in continual agitation. Every thing administered as a remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation;—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member (Mr. Rose Fuller) of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass, that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs should shew that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground, which might be laid for future and permanent tranquillity.

I felt the truth of what my honourable friend represented: but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse

qualified, for such an undertaking than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more; and that things were hastening towards an incurable alienation of our colonies; I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to an higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what, in other circumstances, usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are, by what you ought to be, I persuaded myself that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous; if it were weakly conceived,

or improperly timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negociations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course, and in its ordinary haunts—it is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion, and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project, which has been lately laid upon your table by the noble lord in the blue ribbon*. It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace, at

* Resolution moved by Lord North in the committee; and agreed to by the House, Feb. 27.

every instant, to keep the peace amongst them. It does not institute a magnificent auction of finances where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments, beyond all the powers of algebra to equalize and settle.

The plan, which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavour to shew you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming, that the

proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two. First, whether you ought to concede; and, secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not according to our own *imaginations*; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is — the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I be-

lieve, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will shew you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and provoked with little danger. It will prove, that some degree of care and caution is required in the handling such an object; it will shew that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person, at your bar.* This gentleman, after thirty-five years — it is so

* Mr. Glover.

long since he first appeared at the same place to plead for the commerce of Great Britain — has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772. The other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the West Indies	£483,265
To Africa - - - - - - - - - - - - - -	86,665
	569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America, and the West Indies -	£4,791,734
To Africa - - - - - - - - - - - - - -	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence - -	364,000
	6,022,132

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade as compared with itself at these two periods, *within* this century; — and this is *matter for meditation*. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including that to the colonies in 1704 - - - -	£6,509,000
Export to the colonies alone in 1772 - - -	6,024,000
Difference -	485,000

The trade with America alone is now within less than 500,000*l.* of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded.

But it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended: but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within 68 years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus.*—Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that, when, in the fourth generation, the third prince of the house of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, lord chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to an

higher rank of peerage, whilst he enriched the family with a new one;—if amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him—"Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, shew itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilising conquests and civilising settlements in a series of 1,700 years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts, I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704, that province called for 11,459*l.* in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was 507,909*l.* nearly equal to the export of all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency

to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could shew how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed — but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past, the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit, by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay, and

Davis's Streights, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line, and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt, and die away within me. My rigour relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted, in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some

predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management, than of force; considering force not as an odious but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered.

My next objection is *uncertainty*. Terror is not always the effect of force: and an armament is not a victory. If you do not succeed, you are without resourse; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms, by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is

evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence. These, Sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, — I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you, when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly

upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect themselves mediately or immediately possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error, by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If any thing were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people, is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favour and every kind of support from authority. The church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the diffidence of dissent; and the Protestantism of the Protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the

church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high; and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the

haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend on the floor (the Attorney General) who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here

they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance, in weakening government. Seas roll, and months pass, between the order and the execution: and the want of a speedy explanation of a single point, is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you, than does to all nations, who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre, is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed, as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources; of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the

remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcileable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcileable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. But the question is, not whether their spirit deserves praise or blame; — what, in the name of God, shall we do with it? You have before you the object; such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations, we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital

movement from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is, to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order, in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind, as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachuset. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A

vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely over-rule those we had considered as omnipotent. I am much against further experiments, which tend to put to the proof any more of these allowed opinions; which contribute so much to the public tranquillity. In effect, we suffer as much at home, by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove, that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest enquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are — to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three.

Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear, by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions *in the hands* of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander, without a possibility of restraint; they

would change their manners with the habits of their life; would soon forget a government, by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shewn a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence, as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my

poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character, which prevail in our colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation, in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale, would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholic, as a penalty; or the church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world; and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from the courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual: and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia

and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we *not* perceive that the American master *may* enfranchise too; and arm *servile* hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? From *that* nation, one of whose causes of quarrel with those masters, is their refusal to deal any more in that inhuman traffic? An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. "Ye gods, annihilate but space and time, and make two lovers happy!" — was a pious and passionate prayer; — but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any alterative course, for changing the moral causes (and not

quite easy to remove the natural) which produce prejudices irreconcileable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects, as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts as *criminal*.

At this proposition, I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissentions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar*. I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head: whether this head be a monarch, or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges

* See Howell's State Trials, vol. ii. p. 7. *et seq.*

and immunities. Between these privileges, and the supreme common authority, the line may be extremely nice. Of course disputes, often too very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather *ex vi termini*, to imply a superior power. For to talk of the privileges of a state or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels, among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, that his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess, that the character of judge in my own cause, is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour would not put me much at my ease in passing sentence; unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the

most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me, that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachuset's Bay, as they had formerly addressed to have traitors brought hither under an act of Henry VIII. for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shews how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which by land and sea is no contemptible strength? Has the disorder abated? Nothing less. — When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the third and last — to comply with the American spirit as necessary; or if you please to submit to it, as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle — but it is true: I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions,

where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the "great Serbonian bog, betwixt Damiata and Mount Casius old, where armies whole have sunk." I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me, I may do; but what humanity, reason, and justice tell me, I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity, to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two million of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favour, is *to admit the people of our colonies into an interest in the constitution*; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to shew, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced, that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman (Mr. Rice) of real moderation, and of a natural temper so well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it: and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege, that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord (North) in the blue ribband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes: when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or, that the giving way in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter and the fewest of all on trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of the conciliatory conduct? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there any thing peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience; they did not, Sir, discourage me from

entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind, which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs shewed, that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modelled according to the present form, is disputed among antiquaries. But we have all the reason in the world to be assured, that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure, that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the

House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a par'aker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shews beyond a doubt, that the refusal of a general communication of these rights, was the true cause why Ireland was 500 years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the

lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers — a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander in chief at present, to whom all civil power is granted, as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restiff, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality the sending arms to America. They disarmed the Welsh by statute, as you attempted (but with still more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the

parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands — a fine body of precedents for the authority of parliament and the use of it! — I admit it fully; and pray add likewise to those precedents, that all the while, Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not, until after 200 years, discovered, that by an eternal law, Providence had decreed vexation to violence; and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the 27th year of Henry the Eighth, the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous; that eight years after, that is, in the 35th year of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by act of parliament. From that moment, as by a charm, the tumult subsided; obedience was restored; peace, order, and civilization fol-

lowed in the train of liberty. — When the day-star of the English constitution had arisen in their hearts, all was harmony within and without —

" Simul alba nautis
" Stella refulsit,
" Defluit saxis agitatus humor:
" Concidunt venti, fugiuntque nubes:
" Et minax (quòd sic voluere) ponto
" Unda recumbit."

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others, and from thence Richard the Second drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you.

" To the king our sovereign lord, in most humble wise shewn unto your excellent majesty, the inhabitants of your grace's county palatine of Chester; that where the said county palatine of Chester is and hath been always hitherto exempt, excluded, and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: (2.) And for as much as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight nor burgess there for the said county palatine; the said inhabitants, for lack thereof, have

been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address? — Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? — They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated, that freedom and not servitude is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles the Second, with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of parliament, it recognizes the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now, if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliaments, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII. says, the Welsh speak a language no way resembling that of his majesty's English subjects.

Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000: not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighbourhood: or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura* — I cannot remove the eternal barriers of the creation. The thing in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident, have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths: not to the Republic of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me — it is at my feet, "*and the rude swain treads daily on it with his clouted shoon.*" I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you as best; and in which you walked with security, advantage, and honour, until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America, by *grant* and not by *imposition*. To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise;* and that experience has shewn the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply.*

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution — "That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others to represent them in the high court of parliament." — This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first — "That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament. "Non meus hic sermo, sed quæ præcipit Ofellus, rusticus, abnormis sapiens." It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. — I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of liberty. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional

materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers; where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right, will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privilege, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all, either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the sixth of George the Second? Else why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the stamp-act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise re-

pealed, and which, Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribband, now standing on your Journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is — "That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though in my private judgment an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

The fourth resolution is — "That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or general court, with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his majesty;" and acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised, that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his majesty — but certainly the ministers,

and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attornies and all solicitors general! However, they are safe; as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact — "That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his majesty's service, according to their abilities, when required thereto by letter from one of his majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of *their* great expences in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the Journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution:

"Resolved, That it is the opinion of this committee, *that it is just and reasonable* that the several provinces and colonies of Massachuset's Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expences they have been at in taking and securing to the crown of Great Britain the island of Cape Breton and its dependencies."

These expences were immense for such colonies. They were above 200,000*l.* sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the king came to us, to this effect — "His majesty, being sensible of

the zeal and vigour with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his majesty to give them such assistance as may be a *proper reward and encouragement*."

On the 3d of February 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message: but with the further addition, that the money then voted was as an *encouragement* to the colonies to exert themselves with vigour. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the Journals: Vol. xxvii.—16th and 19th May, 1757. Vol. xxviii.—June 1st, 1758; April 26th and 30th, 1759; March 26th and 31st, and April 28th, 1760; Jan. 9th and 20th, 1761. Vol. xxix.—Jan. 22d and 26th, 1762; March 14th and 17th, 1763.

Sir, here is the repeated acknowledgement of parliament, that the colonies not only gave, but gave to satiety. This nation has formerly acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition what is scattered through your Journals. I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these

disputes, one thing continually dinned in their ears, that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand, when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House, that the colonies were then in debt 2,600,000*l.* sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of 650,000*l.* a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same Journals for the produce of the *revenue by imposition* — Where is it? — Let us know the volume and the page — what is the gross, what is the net produce? — To what service is it applied? — How have you appropriated its surplus? — What, can none of the many skilful index-makers, that we are now employing, find any trace of it? — Well, let them, and that, rest together. — But are the Journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those Journals, justified in the sixth and last resolution, which is — "That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath

been more agreeable to the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies." This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, every thing which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an act, made in the seventh year of the reign of his present majesty, intituled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations. And that it may be proper to repeal an act, made in the 14th year of the reign of his present majesty; intituled, An act to discontinue in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods,

wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay, in North America. And that it may be proper to repeal an act, made in the 14th year of the reign of his present majesty, intituled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachuset's Bay, in New England. And that it may be proper to repeal an act, made in the 14th year of the reign of his present majesty, intituled, An act for the better regulating the government of the province of Massachuset's Bay in New England. And also, that it may be proper to explain and amend an act made in the 35th year of the reign of King Henry VIII., intituled, An act for the trial of treasons committed out of the king's dominions."

I wish, Sir, to repeal the Boston port bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston port act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachuset's colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same

reasons of prudence and accommodation have weight with me in restoring the charter of Massachuset's Bay. Besides, Sir, the act which changes the charter of Massachuset's is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry VIII. for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiassed judicature: for which purpose, Sir, I propose the following resolution: "That, from the time when the general assembly or general court of any colony or plantation in North America shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper, that the said chief justice and other judges of the superior courts of such colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall

be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, of the colony in which the said chief justice and other judges have exercised the said offices."

The next resolution relates to the courts of admiralty. It is this: — "That it may be proper to regulate the courts of admiralty or vice-admiralty, authorized by the 15th chap. of the 4th of George III. in such a manner as to make the same more commodious to those who sue or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away: they are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly of this grievance. *

These are the three consequential propositions. I have thought of two or three more; but they came rather too near detail, and to the province of executive government, which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but that I plainly perceive

* The Solicitor-General informed Mr. Burke when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the resolution was amended.

some objections remain which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine*; and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true, that Lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution, I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand

of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is *natural* and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniencies; we give and take; we remit some rights, that we may enjoy others; and, we chuse rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But in all fair dealings the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all the essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life, rather than fall under a government purely arbitrary. But, although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more.

These are *the cords of man.* Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces; and I confess, I feel not the least alarm, from the discontents which are to arise, from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens, some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire; which was preserved entire, although Wales, and Chester, and Durham, were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature; which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this

empire, than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord (North) on the floor, which has been so lately received, and stands on your Journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction; — because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the constitution.

It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects; the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our constitution. For what is it but a scheme for taxing the colonies in the anti-chamber of the noble lord and his successors? To settle the quotas and proportions in this House, is clearly impossible. You, Sir, may flatter yourself, you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new

taxation must therefore come in by the back-door of the constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed any thing. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents, on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of

delay, perplexity, and confusion, that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota: how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient, and already well taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you, with a clue, to lead you out of it? I think, Sir, it is impossible, that you should not recollect that the colony bounds are so complicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom upon every principle you ought to exonerate. He must be grossly ignorant of America, who thinks, that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony,

especially Virginia and Maryland, the central, and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue; or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a treasury extent against the failing colony. You must make new Boston port bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed the noble lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes.

This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does — For it secures to the subject the power of refusal; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you 152,752*l.* 11*s.* 2¼*d.*, nor any other paltry limited sum. But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca.* Cannot you in England; cannot you at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false every where else? Is it not true

in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that besides the desire which all men have naturally of supporting the honour of their own government; that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared, that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained; will be narrow, feeble, uncertain, and precarious. "Ease would retract vows made in pain, as violent and void."

I, for one, protest against compounding our demands: I declare against compounding, for a poor limited sum, the immense, overgrowing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I

think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject — a revenue from America transmitted hither — do not delude yourselves — you never can receive it — No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East-India Company. America has none of these aptitudes. If America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government; — they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing,

and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion, that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.

Is it not the same virtue which does every thing for us here in England? Do you imagine then, that it is the Land Tax Act which raises your revenue; that it is the annual vote in the committee of supply, which gives you

your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our places as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests; not by destroying, but by promoting, the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (quod felix faustumque sit) — lay the first stone of the temple of peace; and I move you, &c.

Mr. Burke concluded with moving the first of the following Resolutions:

"1. That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

"2. That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament; though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country, *by lack whereof, they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace, of the subjects inhabiting within the same.*"*

"3. That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies."

"4. That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public servies."

"5. That the said general assemblies, general courts, or other bodies, legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids

* The words in italics were, by an amendment that was carried, left out of the motion.

for his majesty's service, according to their abilities, when required thereto by letter from one of his majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament."

"6. That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in parliament to be raised and paid in the said colonies."

"7. That it may be proper to repeal an act, made in the 7th year of the reign of his present majesty, intituled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen-ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations."

"8. That it may be proper to repeal an act, made in the 14th year of the reign of his present majesty, intituled, An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandize, at the town, and within the harbour, of Boston, in the province of Massachuset's Bay, in North America."

"9. That it may be proper to repeal an act, made in the 14th year of the reign of his present majesty, intituled, An act for the impartial administration of justice, in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachuset's Bay, in New England."

"10. That it is proper to repeal an act, made in the 14th year of the reign of his present majesty, intituled, An

act for the better regulating the government of the province of Massachuset's Bay, in New England."

"11. That it is proper to explain and amend an act, made in the 35th year of the reign of King Henry VIII., intituled, An act for the trial of treasons committed out of the king's dominions."

"12. That, from the time when the general assembly, or general court, of any colony or plantation, in North America, shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office."

"13. That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorised by the 15th chapter of the 4th of George III., in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts; *and to provide for the more decent maintenance of the judges of the same.*"

Mr. Jenkinson moved the previous question upon the first resolution. Upon this, the House divided: Yeas, 78: Noes, 270. So it passed in the negative. The second, third, fourth, and thirteenth resolutions had also the previous question put on them. The others were negatived. During the debate the standing order for the exclusion of strangers was strictly enforced.

Mr. Burke's Bill for composing the present Troubles in America.

November 16.

THIS day Mr. Burke presented a petition from the gentlemen, clergy, clothiers, manufacturers, and others, inhabitants of the several towns of Westbury, Warminster, and Trowbridge, and the neighbourhood thereof, in the county of Wilts, whose names are thereunder written, setting forth, "That the petitioners are greatly alarmed and surprised, at finding certain persons, styling themselves the gentlemen, clergy, clothiers, and other tradesmen, of the towns and neighbourhood of Bradford, Trowbridge, and Melksham, in the county of Wilts, approach the throne of our most gracious sovereign, and, under the pretence of testifying their loyalty and affection to his majesty, boldly assert, in regard to the American prohibition of all commerce with his majesty's European dominions, that they the petitioners find no melancholy effects arising therefrom, or any unusual failure of demand for their manufactures, or of employment for their poor; and at this important and alarming crisis, when so much depends on the deliberations and resolutions of parliament, not less than the lives, liberties, and properties of thousands of their fellow-subjects, the petitioners, apprehending that the like misrepresentations may be conveyed to the House, should hold themselves unjust to their own dearest interests, and that of their posterity, if they did not publicly express their entire disapprobation of that malignant and uncandid spirit which can carry falsehood to the throne; for the petitioners assure the House, that the trade of that part of the kingdom has most sensibly declined ever since the commencement of the present unfortunate and unnatural contest with America: and that employment for the poor has proportionably decreased in like manner, insomuch that it appears, by authentic and undeniable evidence, that the poor rates o the said towns have, during the last ten years, grown to an enormous degree, and are now become an almost insupportable burthen to the inhabitants thereof; and that the petitioners do not presume to arraign the wisdom or justice of parliament, in

the measures which have hitherto been adopted and pursued towards America, but, as intercession on behalf of their afflicted brethren in the colonies, and in extenuation of the criminality with which they have been charged, they beg leave to offer, that their resistance to the right of taxation in the British parliament (from the claim to which the present unhappy differences have originated) has not, as they conceive, proceeded from an impatience of subordination to that high constitutional supremacy necessarily vested in the mother-country, but in support of an usage, which an uniform and uninterrupted enjoyment of more than 150 years had given them reason to believe themselves entitled unto, and which Great Britain herself had frequently called upon them to exercise in their own provincial assemblies; and the petitioners therefore, considering that the vital principle of trade is peace and confidence, not war and distraction; and compassionating the tumultuous and irregular exertion of that rude yet manly spirit, whose features plainly mark its origin of British ancestry, and which, though misguided in them, was, through our common ancestors, productive of those blessings which make the peculiar boast of our happy constitution, and to which we owe the distinguished happiness that the present august family are at this day on the throne of these kingdoms; and deprecating also the horrors of a civil war, the event of which, being in the hands of the Almighty, may terminate in the dismemberment of our empire, or in a barren and ruinous conquest; and therefore praying the House, to take the premises into their consideration, and, for the sake of peace, for the sake of trade and commerce, and for the general safety, concord, and prosperity of the whole empire, for the sake of our holy religion, and the glory of Almighty God, who dwells in peace, to adopt such lenitent measures as may restore to this great kingdom and her colonies that affectionate intercourse with each other, which alone can prevent the manifold evils with which they are now threatened, and establish the national greatness on the broad foundation of equal rule, and the general happiness of a free, loyal, and united people."—The petition was ordered to lie upon the table. After which,

Mr. BURKE rose. He said, that the signers were all men who manufactured for themselves; and he was autho-

rised to say that they possessed more than 500,000*l.* of English property. He wished the prayer of that petition to be considered as the exordium of what he had to say to the House. He complained of the difficulties which in civil wars lay upon moderate men, who advised lenient measures; that their moderation was attributed to a want of zeal, and their fears for the public safety, to a want of spirit; that on this particular occasion, whatever they said to incline the House to lenity was construed into a countenance of rebellion; and so many arts, and so many menaces had been used, that if they had not been opposed with a good share of firmness by the friends to the peace of their country, all freedom of debate, and indeed all public deliberation, would have been put an end to.

He said, that for his part he was no way intimidated, by all these machinations, from doing his duty; and that nothing that could be threatened by those whose measures had brought this country into so deplorable a situation should hinder him from using his best endeavours to deliver it from its distresses.

The first step for this purpose, was to get out of general discourses, and vague sentiments, which he said had been one of the main causes of our present troubles; and to appreciate the value of the several plans that were or might be proposed, by an exact detail of particulars.

He stated, that there were three plans afloat. First, simple war, in order to a perfect conquest. Second, a mixture of war and treaty. And thirdly, peace grounded on concession.

As to the first plan, that of mere war, he observed, that it was proposed in two ways; the one direct by conquest, the other indirect by distress. In either of these ways he thought it his duty before he voted for a war, to know distinctly that the means of carrying it on were adequate to the end. It did not satisfy his conscience to say, that the resources of this nation were great; he must see them. That before he could trust to those resources, on the cre-

dit of what had been formerly done, he must find the situation of the country to be what it formerly was.

He then examined what the ministers had laid before the House as the means of carrying on the ensuing campaign. That as to the forces which they had made the House expect from his majesty's allies, all discourse of them had, for some time, entirely subsided: he could, therefore, take credit for nothing more on that account than a handful of Hanoverians, which only answered the purpose of an imperfect security to some of our foreign garrisons. That our national forces to be employed in America, by the account on the table, amounted to no more than 26,000 men. In this, credit was taken for the army now in America at full numbers. He could not allow that estimate; as, supposing the reduction of the troops in future to be estimated by the past, they must be reduced to little or nothing, by the beginning of next campaign. That the troops here are only upon paper, and the difficulty of recruiting was acknowledged. On the whole, he saw reason to apprehend that we should not be very materially stronger at the beginning of the next year than we were at the beginning of the last. He said, the probable number of troops, whether national or foreign, weighed very little in his judgment; as he thought the circumstances of the country were such as would disable them from effecting any thing like a conquest of it.

That as to the predatory war by distress, (on the nature of which he greatly enlarged,) he observed, that it might irritate a people in the highest degree; but such a war had never yet induced any one people to receive the government of another. That it was a kind of war adapted to distress an independent people, and not to coerce disobedient subjects.

But his great objection to it was, that it did not lead to a speedy decision. The longer our distractions continued, the greater chance there was for the interference of the Bourbon powers, which in a long protracted war, he considered not only as probable but in a manner certain.

That he was very sure this country was utterly incapable of carrying on a war with America and these powers acting in conjunction. He entered into a long and particular enumeration of all the dangers and difficulties which must attend such a war.

He stated the condition of France at the beginning of this century, and even within a few years; and compared it with her present situation. He observed, that from being the first, she was, with regard to effective military power, only the fifth state in Europe. That she was fallen below her former rank, solely from the advantages we had obtained over her; and that if she could humble us, she would certainly recover her situation. There was now an opportunity for her making herself, with very little hazard or difficulty, the first maritime power in the world, and to invest herself with every branch of trade, necessary to secure her in that pre-eminence. He admitted, that at present there were circumstances (which he mentioned) that might prevent her from availing herself of this opportunity. But, he said, we must be mad to trust such an interest as ours to such a chance; and that they who presumptuously trust to the extraordinary providence of God, by acting without prudence or foresight, deserve to be abandoned by his ordinary protection.

He then observed that, as he saw no probability of success in the detail of any of the arrangements that were proposed, neither did he see any thing of authority to induce him to believe that they would succeed; not one military or naval officer having given an opinion in its favour; and many of the greatest in both services having given their opinion directly against it.

That as no man of military experience had vouched for the sufficiency of the force, so no man in the commissariat would answer for its subsistence from the moment it left the sea-coast; that, therefore, its subsistence and its operation were become incompatible.

To the objection, that at this rate the Americans might always bring us to unreasonable terms, by the supposed

impossibility of reducing them by force, he said, that he could not help the difficulties which arose from nature and the constitution of things; that he could not make America nearer to us than it is; or a country of another nature than what God has made it. That people who cannot contrive to reconcile their quarrels, must suffer the evils that happen to a divided nation. That he was of opinion, there was no dishonour at all in any kind of amicable adjustment of domestic quarrels; and he would rather yield an hundred points, when it was Englishmen who gave and received, than a single point to a foreign nation; and we were in such circumstances that we must yield to either one or the other.

After an examination of the merits of the first plan, that of reducing the colonies to obedience by simple war, in order to a perfect conquest, he entered into a discussion of the second, namely, that of the mixture of war and treaty.

Among the great and manifest diversity of sentiments which prevailed on the Treasury-bench, he thought he could discern that this plan had been the most generally adopted by ministers, or by those who acted as such. That no light, however, had been let in upon the particulars of the scheme, except in the speech from the throne. It was, indeed, very little, and that little very fallacious. One would be inclined to think from that speech, that nothing had retarded the restoration of peace, but a doubt, whether those in arms might, upon laying them down, obtain a speedy pardon. However, the fact was, no pardon had been ever applied for. If nothing had been wanting to conclude the peace but such a power, the commander-in-chief might be authorized to hold out mercy to all those who should submit; and then there would be no need of the laborious, expensive, uncertain, and dilatory process of a commission.

It was impossible to pass by the very exceptionable manner in which this power of pardoning was to be delegated: "they shall have authority," says the speech from

the throne, "to grant general or particular pardons or indemnities, in such manner, and to such persons, as they shall think fit." A shocking, arbitrary power, not to be trusted to any persons, giving encouragement to dangerous partialities, and tending rather to distract than to quiet the country. That the rule of pardon, when delegated to subjects, ought not to be their pleasure or displeasure, but the compliance or non-compliance of the guilty with certain fixed conditions. That some such discretionary power as that mentioned in the speech, seemed to be given already, and to have produced the mischiefs which might be expected from it. For that General Gage had already, whether by himself, or by order from ministers, made a very indiscreet use of it, by offering mercy to those who were openly in arms and actually besieging him in his station, and excluding from mercy those who were 500 miles from him *, and then sitting in an assembly never declared by authority to be illegal; an assembly, from which the ministers in the House of Commons had at one time declared they were not without hopes of proposals, which might lead to accommodation. On this part of the speech from the throne he animadverted with great severity.

He said he understood, that instead of the Americans waiting for pardons, they were to be persuaded by negociation to accept them. Therefore it would be necessary to examine what body of men it was that administration proposed to negociate with, and what the objects of the negociation were to be.

That if he did not mistake the discourses of ministers, they did not now propose to negociate with the present, or with any other general congress or meeting, but with the several assemblies distinctly. In this scheme, he said, they

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* Messrs. Hancock and Adams, who were excepted in the general pardon offered by General Gage on submission, whilst Ward, Putnam, &c. besieging him, were not excepted.

knew that they could not succeed. Because there was one principal province, that of Massachuset's Bay, whose assembly, under their charter, was destroyed by act of parliament. That no assembly would sit in that province under the new constitution; because if it should, the inhabitants must, as a preliminary, yield the principal object for which they had taken up arms; and thus turn the negociation against themselves, even before it should be opened. That this province was the actual seat of war, as its sufferings had been the cause of the war itself. Treaty must therefore stumble upon the threshold.

That besides this objection, (which was fundamental,) a negociation with so many provinces, of such different constitutions, tempers, and opinions, never could come to an end. In the mean time our hostile operations, with their whole train of disasters, accidents, and ruinous expences, would be continued, to the destruction of this country and of that. That the hope of dividing the colonies, on which this part of the plan was founded, and which was even avowed as a reason for adopting it, would be the most unfortunate thing that could happen; as it would protract the war, and complicate its horrors and miseries, without a possibility of ending it. It was, he said, a vain imagination, that any of the colonies would take up arms in favour of ministry, for the execution of any of their plans; and that a part of the colonies were sufficient, at least, to keep this war alive, until the interference of foreign powers should render it utterly destructive.

That with regard to the objects of the treaty,—there must be concessions on the side of the colonies; or upon ours; or upon both. That upon their side they must be either speculative recognitions of rights upon as large a scale as we had claimed them; and this it was absolutely certain they never would submit to; or upon a lesser, excluding taxation, and its consequences, and this they had submitted to already; so that there seemed to be no object of the speculative kind, which made it necessary to postpone peace by a protracted negociation.

That the other object of treaty might be a practical recognition of our right of taxing for a revenue; that this revenue was to be either nominal or beneficial; if only nominal, it amounted to nothing more than that speculative acknowledgment of right, which we knew they would for ever refuse to make. If beneficial and productive, it was to be either by submitting to Lord North's proposition, namely, that of forcing them to furnish a contingent by authority of parliament; or according to their ancient mode, by a voluntary grant of their own assemblies.

If the former, we know, said he, they have already rejected that proposition, and never can submit to it, without abandoning that point, for the maintenance of which they have risked their all. If it only requires, that they should resort to their ancient mode of granting by their assemblies, they have declared again and again, from the beginning of this contest to the end, that they were willing to contribute according to their ability, as estimated by themselves, who were the best judges of what their ability was. That ability would be lessened, if not totally destroyed, by the continuance of those troubles. This armed negociation for taxes would therefore inevitably defeat its own purposes; and prevent for ever the possibility of raising any revenue, either by our authority, or by that of their own assemblies.

That if the ministers treated for a revenue, or for any other purpose, they had but two securities for the performance of the terms: either the same force which compelled these terms; or the honour, sincerity, and good inclination of the people. If they could trust the people to keep the terms without force, they might trust them to make them without force. If nothing but force could hold them, and they meant nothing but independency, as the speech from the throne asserted, then the House was to consider how a standing army of 26,000 men, and 70 ships of war, could be constantly kept up in America. A people meaning independency, will not mean it the less, because they have, to avoid a present inconvenience, submitted to treaty. That

after all our struggles, our hold on America is, and must be, her good inclination. If this fails, all fails; and we had better trust to the honesty of the colonies, before we had ruined ourselves, than after; before we had irritated them, than after we had alienated their affections for ever.

That the troops sent for the purpose of forwarding, would certainly impede the negociation? That it was impossible the provincials could be mad enough to lay down their arms, whilst a great adverse military power remained in their country, without any assurance whatsoever of their obtaining any one of the points for which they had contended. This would not be to negociate, but to surrender at discretion. All the grievances they had complained of were contained in acts of parliament. Lord North had declared very truly, that nobody could have power to negociate for the repeal of an act of parliament.

But if the colonies should incline to put any confidence in the certain influence of ministry over parliament, even that grand confidence must fail them; as they cannot tell whether the same ministers will continue in power; and that even at this very time no two persons upon the Treasury-bench were of the same opinion, on the conduct to be held towards America. Which of those opinions would finally prevail, no man living could divine. That this uncertainty might continue the armed negociation for several years, to the utter ruin of both countries.

He gave many other equally strong reasons against the scheme; and concluded this part of his speech, by observing, that although the mixed plan of war and negociation could answer no good end in future, it might have a retrospective operation,—to justify the ministers in the use of their forcible proceedings. For force and concession going out together, if peace should be the result, ministers would attribute the success, not to the concession, but to the force. So that all this delay, bloodshed, and expence, was incurred merely to furnish ministers with an excuse in debate.

After going through the two first plans, he spoke to the third (his own)—that of a concession previous to treaty.

He observed, that as he put no great trust in any negociation, and none at all in an armed negociation, his idea was, to have very little treaty; and that little as short as possible. The House was therefore at that time to judge, whether it was necessary to make any concession to the colonies: if it should appear to them that such concession was necessary, he was clearly of opinion, that they ought to make it immediately, and of their own free grace. This he thought of more dignity with regard to themselves, and of much more efficacy with regard to the quiet of the colonies, than the concession upon treaty which had been proposed.

He said, that the first ground of treaty must be confidence; and that the colonies never could confide for the effect of any concession (as he had shewn in examining the foregoing plan) in a less assurance than that of parliament itself.

He then shewed, by a variety of instances, collected from the public proceedings during the last ten years, how necessary it was that government should be aided by parliament in re-establishing that confidence which had been shaken by those proceedings, and that some firm ground should be laid as a foundation for future peace.

He was of opinion, that this foundation of confidence was become the more necessary, from the constitution of the present ministry. That in no time or country, or under any form of government, was the power of ministers suffered to survive the success of their counsels; or the same men permitted to inflame a dependent people to arms, and then to appease them by concessions. That the Duke of Alva would be a strange plenipotentiary to have sent, for making the concessions which King Philip the Second proposed to the Netherlands. In concession, the credit of a state is saved by the disgrace of a minister; because it is his counsel alone that is discredited. But when the same ministers do and undo, in consequence of the resistance

they meet, it is the nation itself that submits. Besides, he alleged that all treaty is more easy, and fewer concessions are required by all men, when they have a confidence in those they treat with.

He was convinced, that the mere removal of the offensive acts would have given satisfaction in former times, and from amicable hands. But now things are on another footing; and if more concession is required, it is because injudicious coercion has made it necessary. That he had always wished to preserve the legislative power of this kingdom entire in every thing; and that it was with great grief he saw, that even an odious and scarcely ever to be exercised part of it, was to be abandoned. But when the maxims of public councils are not steady, it is necessary that law should supply the want of prudence. That it was thus, and for this reason, that limits had been set to absolute power in all countries; and that power (though not absolute) had been preserved, not destroyed by such limitations.

That we are now in a quarrel; and in putting an end to any quarrel, it is necessary to look to its origin; that the origin of this present difference had evidently been upon the subject of taxation. That an arrangement of this question, either by enforcement or concession, was a preliminary essential to peace. That the House ought to estimate the full value of the object to be conceded, before they agree to give it up. If they were of opinion, that the taxation of America could repay them their expences, or compensate their risks, they ought to pursue it. If, on the contrary, it was evident beyond all contradiction, and so evident as to enforce reiterated acknowledgments, that they never could enjoy a moment's quiet as long as that matter of contention continued — it was then altogether as essential to the preservation of their own authority in all other points, as to the liberty of America and quiet of the whole empire, to give it up, with such limitations in the concessions, as the rights of sovereignty required.

That the parliament of Great Britain were not the representative, but (as Lord John Cavendish had said, some days

before, with great truth and propriety) the sovereign of America. That the sovereignty was not in its nature an abstract idea of unity, but was capable of great complexity and infinite modifications, according to the temper of those who are to be governed, and to the circumstances of things; which being infinitely diversified, government ought to be adapted to them, and to conform itself to the nature of things, and not to endeavour to force them. That although taxation was inherent in the supreme power of society, taken as an aggregate, it did not follow that it must reside in any particular power in that society. That in the society of England, for instance, the king is the sovereign; but the power of the purse is not in his hands; and this does not derogate from his power in those things, in which our constitution has attributed power to him. If parliament be the sovereign power of America, parliament may, by its own act, for wise purposes, put the local power of the purse into other hands than its own, without disclaiming its just prerogative in other particulars.

That formerly, whatever their right might be to it, the kings of England were in the practice of levying taxes by their own authority, upon the people of England; they contended that the crown, being charged with the public defence, must be furnished also with the means of providing for it. That it would be absurd to commit a trust into the hands of one person, and to leave the power of executing it to depend upon the will of another. They therefore held, that this power was inseparable from the crown; and in general they made use of the very arguments in favour of the king's indefeasible right to tax the people of England, that are now used by the parliament of England, to tax the people of America. Notwithstanding all these arguments, one of the greatest of our kings, by an express and positive act, cut off from the sovereign power this right of taxing.

This act, which has been the foundation of the unity and happiness of England since that time; that is, the stat. 34 Edward I., called *Statutum de tallagio non concedendo*, Mr. Burke made his pattern; and from thence (if his plan

should be adopted) he hoped the same good effects in future. That this pattern statute was absolutely silent about the right; but confined itself to giving satisfaction in future; and that it laid down no general principles which might tend to affect the royal prerogative in other particulars. That in all human probability the preservation of the other branches of the prerogative was owing to the clear and absolute surrender of this.

He then moved, that the first, fourth, and fifth chapters of the statute *de tallagio non concedendo* might be read; which being done, he observed, that this statute consisted of three capital parts; a renunciation of taxing, — a repeal of all statutes which had been made upon a contrary principle, — and a general pardon. — He then read his own bill, and shewed its conformity to the spirit of that act, supposing Great Britain to stand in the place of the sovereign, and America in that of the subject. That the circumstances are not indeed in every respect exactly parallel, but that they are sufficiently so to justify his following an example that gave satisfaction and security on the subject of taxes, and left all other rights and powers whatsoever exactly upon the bottom on which they stood before that arrangement had been made.

He then gave his reasons for not adopting the methods which (though not proposed in the House) had been frequently suggested in conversation by several friends and well wishers to America.

And first he mentioned the proposal for repealing the Declaratory Act of 1766. On this occasion he entered into the history of that act, the reasons for making of it; and the perfect acquiescence of the colonies under it; until by the renewal of the scheme of actual taxation their apprehensions were roused, and they were taught to look with suspicion and terror upon the unlimited powers of the British legislature. That the repeal of a declaratory act was a thing impossible; for it was nothing less than to make the legislature accuse itself of uttering propositions that were false, and making claims that were groundless. That the disgrace of an English parliament could add nothing to

the security of American liberty. That on the contrary our inconstancy would become a bad ground of trust. That the declaratory act had been misrepresented, as if it had been the cause of the taxation; whereas the grand scheme of taxation had preceded the declaratory act, and not been the consequence of it. That the act has said nothing in particular of taxation, but is an affirmation of the universality of the legislative power of Great Britain over the colonies. That if this act were repealed, it would be a denial of legislative power, as extensive as the affirmation of it in the act so repealed. That he was averse to doing any thing upon speculations of right. Because when parliament made a positive concession, the bounds of it were clear and precise; but when they made a concession founded in theory and abstract principles, the consequences of those principles were things out of the power of any legislature to limit. That this bill gave as effectual a security against future taxation as any declaration of right could possibly do; and that it put American liberty, in that point, upon just as good a footing as English liberty itself.

He next considered the proposition for repealing all the acts since 1763. This he shewed to be impossible, without ruining the whole system of the trade laws, and some of those laws also, which are extremely beneficial to America. That all the laws which leaned upon the colonies, and were the cause or consequence of the quarrel, were to be repealed in this bill, which made provision likewise for authorising such a negociation as might tend to the settlement of all those lesser matters to the mutual advantage of the parties. That the congress did not require this sweeping repeal as a preliminary to peace; but that even if it had, he was for treating of peace with and making concession to the colonies, and not receiving laws from them. That he did not conceive, that when men come to treat of peace they must of course persevere in demanding every thing which they claimed in the height of the quarrel. That the cause of quarrel was taxation; that being removed, the rest would not be difficult. For he denied that the desire of absolute

independency was or could be general in the colonies. It was so contrary to their clearest interests, provided their liberties were preserved, that so far from disbelieving them, when they denied such a design, he could scarcely credit them if they should assert it. He then stated five or six capital facts, to prove that independency neither was or could be their object.

He said he was confident, both from the nature of the thing, and from information which did not use to fail him, that this bill would restore immediate peace; and as much obedience as could be expected after so rude a shock had been given to government, and after so long a continuance of public disturbances. That in this bill, a basis was laid for such satisfaction in the minds of all sober people in America, as would enable government to fix and settle, if common prudence were employed in its future construction and management. That in the first operation it would be the true means of dividing America. Not the dangerous and fallacious method of dividing which had been proposed, and from which nothing but confusion could grow; not the division of province from province, or the rich from the poor; or the landed from the trading interest; but the division of the peaceable from the factious; the quiet from the ambitious; the friends to the unity of the empire, from the projectors of independence. That this would put the standard of American liberty into the hands of the friends to British government; and when this was done, there was no doubt, but that a sense of interest, natural affection, the dread of the horrors of war, and even the love of freedom itself, better secured by such an act than by any schemes of hazardous speculation, would leave the really factious very few followers or companions.

He then strongly urged the necessity of granting peace to our colonies on terms of freedom; dilated largely on the uncertainty (to say no worse) of obtaining it upon any other; and the utter impossibility of preserving it in future, without setting the minds of the people at rest. He dwelt largely on the mischiefs which we must suffer by the con-

tinuance of this quarrel. He rested little on the consideration of trade and revenue; he put that out of the question, as a matter that would require a large discussion by itself; but chiefly aimed at shewing, that in the progress of this business new powers must be daily added to the crown; so that in seeking to destroy the freedom of others we may fail to obtain what we pursue, and in the pursuit may lose our own liberty. On this head he dwelt very largely, and concluded the whole with a warm and earnest address to the consciences of the members, and an exhortation not to trust to general good intention, and to an opinion that what they were doing was for the support of government, when it was far from evident, that under the name of government, it was not the ambition, the interest, the ignorance, and obstinacy of particular men that they were supporting; that they were bound not to give confidence, where rational grounds of confidence did not appear; and that anarchy instead of government, and civil confusion instead of peace and obedience, would be the consequence of an encouragement given by that House to a blind perseverance in measures, which were not conceived with wisdom, or conducted with ability.

He moved "That leave be given to bring in a bill for composing the present troubles, and for quieting the minds of his majesty's subjects in America."

The following is a copy of Mr. Burke's Bill.

"Whereas by the blessing of Almighty God, and the industry, enterprise, and courage of several of the people of this realm, extensive and valuable territories have been acquired in America to the crown of Great Britain, which are now inhabited by great multitudes of his majesty's subjects, who have cultivated and improved the same for the most part at their own charges, to the great increase of the commerce and naval strength of this kingdom, and have also, of their own free gift, made provision for the support of the civil government within their said plantations, have maintained many expensive wars against the Indian nations, and have at sundry times granted large sums of money, and other very considerable aids to his

majesty, and his royal predecessors, to support them against the enemies of this kingdom, notwithstanding which the inhabitants of the said colonies have been made liable to several taxes given and granted in parliament, for the purpose of raising a revenue, when they have had no knights or burgesses, or others of their own choosing, to represent them in parliament; and from the great distance of the said colonies from this land, and other impediments, are not able conveniently to send representatives to the said parliament, whereby the said inhabitants of the British colonies have conceived themselves to be much aggrieved, and thereby great troubles have arisen, and are likely to continue, if a fitting remedy be not provided. Wherefore, we pray your majesty that it may be enacted and declared, and it is hereby enacted and declared, by, &c. &c. &c.

"That no aid, subsidy, tax, duty, loan, benevolence, or any other burthen or imposition whatsoever, shall be granted, laid, assessed, levied, or collected upon the inhabitants of any colony or plantation in America, by the authority or in virtue of any act of parliament, or in any other manner, or by any other authority, than the voluntary grant of the general assembly, or general court of each colony or plantation, and which shall be assented to by his majesty's governor, and otherwise confirmed according to the usage of each province respectively, any law, statute, custom, right, prerogative, or any other matter whatsoever to the contrary notwithstanding. Saving to his majesty, his heirs, and successors, his right of reserving and collecting quit-rents, and other his ancient dues and revenues, and all other duties and taxes by this act not repealed, and saving and reserving to all proprietors and charter-companies, their ancient rights, privileges, and possessions.

"Provided always, that nothing in this act shall extend, or be construed to extend, to restrain the future imposition and levy of duties and taxes for the regulation of trade and commerce in all the dominions to the imperial crown of this realm belonging.

"And in order to remove all doubt and uneasiness from the minds of his majesty's subjects in the colonies, it is hereby further enacted, that if any act of parliament shall be hereafter made for the purpose of such regulation or trade, the produce of the duties thereby laid, shall be held by the collectors, or receivers of his majesty's customs, for the disposal of the general

assemblies, as if the same had been levied by the authority of the several general assemblies in the said colonies.

" And whereas, during these troubles, the assemblies, or inhabitants of the said colonies, have formed a general meeting, which said meeting was not authorized by law to make any order or resolution, or to do any other act of force, to bind his majesty's subjects: And whereas it may be necessary, that the said colonies should have authority to do certain acts by common consent, which should include the whole body of the said colonies. Be it therefore enacted, that it shall and may be lawful for his majesty, his heirs and successors, to give authority to his governors in America, to require the said several assemblies to send deputies to a general meeting, with full powers to bind their said several provinces, to all acts done by a majority of voices in the said general meeting, which meeting, and the powers thereof, shall cease and determine on if not further continued by parliament.

" And whereas in consequence of the late troubles, several acts of parliament have been made for the purpose of coercing and restraining the colonies, of which an advantage has been taken to represent the same, as if a design had been formed to deprive the people of the said colonies of several rights, benefits, and advantages of nature, and of the British constitution, which hath greatly increased the discontents of the colonies, and fomented the troubles in America. In order, therefore, to quiet the minds of his majesty's subjects in America, and to reclaim the disobedient by that lenity, which ought to have the strongest operation on the minds of free subjects, be it enacted that an act made in the seventh year of his present majesty, intituled ' An act for granting certain duties in the British colonies and plantations in America, for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks, payable on China earthen-ware, exported to America; and for more effectually preventing the clandestine running of goods in said colonies and plantations.' Also one other act, made in the 14th year of the reign of his present majesty, intituled ' An act to discontinue in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town, and

within the harbour of Boston, in the province of Massachuset's Bay, in North America.' Also one other act, made in the 14th year of his present majesty, intituled 'An act for the impartial administration of justice in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of Massachuset's Bay, in New England.' Also one other act, made in the 14th year of the reign of his present majesty, intituled 'An act for the better regulating the government of the province of the Massachuset's Bay, in New England,' be hereby severally and respectively repealed.

"And, the king's most excellent majesty taking into his gracious consideration the great troubles, discords, and wars, that have of late been in some of his majesty's colonies in America, and that divers of his subjects are, by occasion thereof, and otherwise, fallen into, and become obnoxious to great pains and penalties, out of a hearty and pious desire to put an end to all suits and controversies, that by occasion of the late distractions in America, have arisen, or may arise, between his subjects; and to the intent, that no crime whatsoever committed against his majesty, shall hereafter rise in judgment, or be brought in question, against any of them, to the least endamagement of them, either in their lives, liberties, or estates, or to the prejudice of their reputations; and to bury all seeds of future discords and remembrance of the former, as well in his own breast, as in the breasts of his subjects, one towards another; is graciously pleased, that it may be enacted, and be it enacted, &c. &c.

"That all and all manner of treasons, misprisions of treasons, murders, felonies, offences, crimes, contempts, and misdemeanours, counselled, commanded, acted or done since the by any person or persons in America, before the by virtue or colour of any command, power, authority, commission, warrant or instruction from his majesty, or from any other person or persons, deriving or pretending to derive authority, mediately or immediately, from his majesty, or of or from any assembly, council, general court, convention, congress, or meeting, in any of his majesty's colonies in America, called or reputed, or taking on them the name of the assembly, council, or general court, of any of his majesty's colonies in America, or of a general congress, or provincial congress; or any other name or style whatsoever, or by virtue

or colour of any writ, commission, or instruction of or from any person or persons, reputed, or taken to be, or claiming or exercising the power of commander in chief of the continental army in America, or of any provincial army, or commander of any army, or body of troops whatsoever, within any of his majesty's colonies in America, by sea or land, or of any magistrate or officer, within any of the said colonies, or by any pretence, warrant, or command whatsoever, from them, or any of them, or their, or any of their respective counsel or counsels, or any member of such counsel or counsels, or from any person or persons whatsoever, deriving, or pretending to derive authority from them, or any of them, be pardoned, released, indemnified, discharged, and put in *utter oblivion*.

"And that all and every the person and persons, acting, advising, assisting, abetting, and counselling the same, they, their heirs, executors, and administrators, be, and are hereby pardoned, released, acquitted, indemnified, and discharged from the same; and of and from all pains of death, and other pains, judgments, indictments, informations, convictions, attainders, outlawries, penalties, escheats, and forfeitures, and every of them, and all grants thereupon made, and all estates derived under the same, be and are hereby declared and enacted to be from henceforth null and void; extinguishing all actions, suits, demands, and prosecutions, civil or criminal, public or private, except for the restoration of such estates as have been, or shall be, seized from the owners, during the troubles; and for restoring to the said owners the mean profits of the same. Provided, that arms not taken up by his majesty's authority, shall be laid down by our subjects in the said provinces, within ."

The bill was ably supported, and the debate long and interesting; most of the leaders and able speakers in opposition having taken a part in it. They were also powerfully opposed; and the previous question, which was moved by Governor Pownall, was carried upon a division, at near four o'clock in the morning, by a majority of just two to one, the numbers being 105 for the motion, and 210 against it.

MOTION FOR REVISING THE LAWS BY WHICH THE AMERICANS THINK THEMSELVES AGGRIEVED.

November 6. 1776.

THIS day Lord John Cavendish called the attention of the House to the extraordinary Declaration issued by Lord Howe and his brother, on taking possession of New York, which had appeared in the public prints of that day, and called upon the ministers to tell the House whether it was genuine or not. The authenticity of the declaration * being avowed by Lord

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* The following is a copy of the said Declaration:

" By Richard Viscount Howe, of the kingdom of Ireland, and William Howe, Esq. general of his majesty's forces in America, the king's commissioners for restoring peace in his majesty's colonies and plantations in North America, &c.

" DECLARATION.

" Although the congress, whom the misguided Americans suffer to direct their opposition to a re-establishment of the constitutional government of these provinces, have disavowed every purpose of reconciliation not consonant with their extravagant inadmissible claim of independency; the king's commissioners think fit to declare that they are equally desirous to confer with his majesty's well-affected subjects upon the means of restoring the public tranquillity, and establishing a permanent union with every colony as a part of the British empire. The king being most graciously pleased to direct a revision of such of his royal instructions as may be construed to lay an improper restraint upon the freedom of legislation in any of his colonies, and to concur in the revisal of all his acts by which his subjects there may think themselves aggrieved, it is recommended to the inhabitants at large to reflect seriously upon their present condition, and to judge for themselves, whether it be more consistent with their honour and happiness to offer up their lives as a sacrifice to the unjust and precarious cause in which they are engaged, or to return to their allegiance, accept the blessings of peace, and be secured in a free enjoyment of their liberty and properties, upon the true principles of the constitution. Given at New York, the 19th September, 1776.

" HOWE.

" W. HOWE."

North and Lord George Germain, Lord John Cavendish, though astonished at the contents, and the extraordinary manner in which they were imparted to the public, congratulated the House on the gleam of peace and conciliation. Parliament, he said, had been treated with the most mortifying contempt; commissioners were sent out with powers only to grant pardons, and receive submissions; yet, wonderful to relate, parliament is informed, through the channel of a newspaper, that those commissioners are authorized to answer directly for the sovereign, and obliquely for the concurrence of the other two branches of the legislature, in revising all acts, by which the Americans are aggrieved. Parliament were reduced to cyphers in the whole conduct of the business; they were called on, by way of requisition, to sanction acts which would render them abhorred by their fellow-subjects in every part of the empire; but when an appearance of lenity is shewn, all the merit was attributed to the king and his ministers. Yet if the proposals were sincere, he would not found objections on mere punctilios; to give the negociation more weight and efficacy, parliament ought, as the first proof of a pacific disposition, to co-operate in so desirable a work. It would, besides, restore ministers to confidence; their professions were disbelieved in America; the motion, therefore, he was about to make, would be the means of removing the almost universal opinion that prevailed in America, that every ministerial promise was given with some insidious intention of treachery, deceit, imposition, or to divide them, in order the more easily to break their strength, and subdue them. To remove so strong an impediment to peace and conciliation; to shew we were in earnest, and wished sincerely for both; his lordship moved, "That this House will resolve itself into a committee, to consider of the revisal of all acts of parliament, by which his majesty's subjects in America think themselves aggrieved."

Mr. BURKE seconded the motion. He begged to know from the noble lord (North) whether the instructions to the commissioners went the length of the offer of revisal held out in the declaration; for without intrenching on that part of the prerogative which promises a revision of such of the royal instructions as may be construed to lay an improper restraint, &c. it was in his apprehension pretty

evident, that the latter part of the sentence on which the motion was framed, held out a promise of concurrence on the part of the crown, to revise all acts by which his majesty's subjects in America think themselves aggrieved. This he looked upon to be leading parliament, not following it; he should, however, suspend any decisive opinion on the passage, till the noble lord had explained it. The text was before us; he wished the noble lord would rise and give us the comment; for certainly, either the idea held out in the declaration, meant that Great Britain intended to revise and concede, or desired the people of America to lay down their arms, and submit to state their grievances, and we would remedy them, if we thought proper.

Lord North said, he should not enter into a critical, literal, or philological interpretation of the passage in the declaration, which gave rise to the present motion. He would, however, assure the honourable gentleman, that administration never meant to relax in pursuing the claims of this country, so long as its legislative authority was disputed. In reply to what fell from the Solicitor-General, Mr. Wedderburn,

Mr. Burke rose again and said:

The honourable and learned gentleman has called to his assistance the bayonets of 12,000 Hessians; and as he thinks it absurd to reason at present with the Americans, he tells us, that by the healing, soothing, merciful measure of foreign swords, at the breasts of those unhappy people, their understandings would be enlightened, and they would be enabled to comprehend the subtleties of his logic. It was well said, on another occasion, that your speech demands an army! — and I may say, that the learned gentleman's demands blood; reasoning he says is vain; — the sword must convince the Americans, and clear up their clouded apprehensions. The learned gentleman's abilities surely desert him, if he is obliged to call such a coarse argument as an army to his assistance; — not that I mean any thing reflecting on his parts. I always esteem, and

sometimes dread his talents. But has he told you why commissioners were not sent sooner to America? Has he explained that essential point? Not a jot. Why, after the act passed for them, were they delayed full seven months, and not permitted to sail till May; and why was the commission appointing them delayed till the sixth of that month? Answer this. The blood and devastation that followed was owing to this delay; upon your conscience it ought to lay a heavy load. If the measure was right and necessary in order for conciliation, as the king declared in his speech at the opening of that session, why was it not executed at a time in which it could be effectual; instead of being purposely deferred to one when it could not possibly answer any end but that of adding hypocrisy to treachery, and insult and mockery to cruelty and oppression? By this delay you drove the Americans into the declaration of independency; not as a matter of choice, but necessity: and now they have declared it, you bring it as an argument to prove, that there can be no other reasoning used with them but the sword. What is this but declaring, that you were originally determined not to prevent, but to punish rebellion; not to use conciliation, but an army; not to convince, but to destroy? Such were the effects of those seven months cruelly lost, to which every mischief that has happened since must be attributed.

But still the honourable and learned gentleman persists, that nothing but the commissioners can give peace to America; — it is beyond the power of this House. What was the result of the conference with the delegates from the Congress? Why, we are told, that they met in order to be convinced, that taxation is no grievance — "no tyranny" used to be the phrase: but that is out of fashion now. Then Sir, what an insult to all America was it to send as commissioners none but the commanders of the fleet and army, to negociate peace! Did it not shew how much you were determined, that the only arguments you meant to use were your broad-swords and broad-sides? Let me assert,

Sir, that the doctrines to be laid down in America, would not have been too trivial an occasion, even for the reasoning abilities of the learned gentleman himself. But, Sir, you may think to carry these doctrines into execution, and be mistaken too; — the battle is not yet fought; but if it were fought, and the wreath of victory adorned your brow, still is not that continent conquered; witness the behaviour of one miserable woman, who with her single arm did that which an army of a hundred thousand men could not do — arrested your progress, in the moment of your success. This miserable being was found in a cellar, with her visage besmeared and smutted over, with every mark of rage, despair, resolution, and the most exalted heroism, buried in combustibles, in order to fire New York, and perish in its ashes; — she was brought forth, and knowing that she would be condemned to die, upon being asked her purpose, said, "to fire the city!" and was determined to omit no opportunity of doing what her country called for. Her train was laid and fired; and it is worthy of attention, how Providence was pleased to make use of those humble means to serve the American cause, when open force was used in vain. In order to bring things to this unhappy situation, did not you pave the way, by a succession of acts of tyranny? — for this, you shut up their ports; — cut off their fishery; — annihilated their charters; — and governed them by an army. Sir, the recollection of these things, being the evident causes of what we have seen, is more than what ought to be endured. This it is, that has burnt the noble city of New York; that has planted the bayonet in the bosoms of my principals; — in the bosom of the city, where alone your wretched government once boasted the only friends she could number in America. If this was not the only succession of events you determined upon, and therefore looked for, why was America left without any power in it, to give security to the persons and property of those who were and wished to be loyal? — this was essential to government; you did it not, and might therefore be well said to have abdicated the government.

I have been reading a work given us by a country, that is perpetually employed in productions of merit. I believe it is not published yet—the History of Philip the Second; and I there find, that that tyrannical monarch never dreamt of the tyranny exerted by this administration. Good God! Sir, shall we be told, that you cannot analyze grievances? that you can have no communication with rebels, because they have declared for independency? Shall we be told this, when the tyrant Philip did it after the same circumstance in the Netherlands? By edict he allowed their ships to enter their ports, and suffered them to depart in peace; he treated with them; made them propositions; and positively declared that he would redress all their grievances. And James II., when he was sailing from France, at the head of a formidable force, assisted like you by foreign troops, and having a great party in the kingdom, still offered specific terms;—while his exceptions of pardon were few, amongst the rest my honourable friend's ancestor, Sir Stephen Fox. But you will offer none: you simply tell them to lay down their arms, and then you will do just as you please. Could the most cruel conqueror say less? had you conquered the devil himself in hell, could you be less liberal? No! Sir, you would offer no terms, you meant to drive them to the declaration of independency: and even after it was issued, you ought by your offers to have reversed the effect. You would not receive the Remonstrance which I brought you, from New York, because it denied your right to certain powers:—yet the late King of France received remonstrances from his parliaments, that expressly denied his right to the powers he was in the constant exercise of—answered them, and even redressed some of the grievances, which those very remonstrances complained of, though he refused to grant what he thought more peculiarly entrenched upon his own authority.

In this situation, Sir, shocking to say, are we called upon, by another proclamation, to go to the altar of the Almighty, with war and vengeance in our hearts, instead

of the peace of our blessed Saviour. He said, "my peace I give you;" but we are, on this fast, to have war only in our hearts and mouths; war against our brethren. Till our churches are purified from this abominable service, I shall consider them, not as the temples of the Almighty, but the synagogues of Satan. An act not more infamous, as far as respects its political purposes, than blasphemous and profane as a pretended act of national devotion—when the people are called upon, in the most solemn and awful manner, to repair to church, to partake of a sacrament, and at the foot of the altar, to commit sacrilege, to perjure themselves publicly by charging their American brethren with the horrid crime of rebellion, with propagating "specious falsehoods," when either the charge must be notoriously false, or those who make it, not knowing it to be true, call Almighty God to witness, not a specious but a most audacious and blasphemous falsehood.

The motion was also supported by Mr. Fox, Mr. Dunning, and Mr. Byng. Upon a division, the numbers were, Yeas 47: Noes 109. So it passed in the negative.

Arrears of the Civil List.

April 16. 1777.

On the 9th of April 1777, Lord North delivered a message from the king, in which much concern was expressed by the sovereign at being obliged to acquaint them with the difficulties he laboured under, from debts incurred by the expences of the household, and of the civil government, which amounted on the 5th of the preceding January to upwards of 600,000*l.* That he relied on the loyalty and affection of his faithful commons, of which he had received so many signal proofs, for enabling him to discharge this debt, and that they would, at

the same time, make some further provision for the better support of his household, and of the honour and dignity of the crown. The message was attended with a number of papers, containing various accounts of the expenditure, and a comparative statement of the whole amount of the present civil list establishment, from the year 1760, with that of the produce of the former revenues, which had been appropriated to that service, during the same period; the former being intended to explain the causes of excess in the expenditure, and the latter to shew, that the crown had been a loser by the bargain which it then made with parliament. A motion was then made, and carried, that the message should, on the 16th, be referred to the consideration of the committee of supply. On the adjourned day for taking the message into consideration by the committee of supply, a motion was made by Lord John Cavendish, that the order of reference of the 9th instant might be discharged. The view of this motion was, that instead of carrying the question directly into the committee of supply, there to determine at once by a vote, whether provision should be made for supplying the whole demands, the accounts of the expenditure, the cause of the excess, the means of preventing it in future, and the propriety of complying in the whole or in part with the requisitions, should first be examined accurately, and considered with due deliberation, in a committee of the whole House. This motion accordingly, which was, in effect, whether the Speaker should leave the chair, brought out the whole force of debate, which was long and ably supported, most of the considerable speakers on both sides having distinguished themselves in its course.

Mr. BURKE was severe upon Lord North. He said, that the time of bringing in this demand was full of indecency and impropriety; that when we were going to tax every gentleman's house in England, even to the smallest domestic accommodation, and to accumulate burthen upon burthen, nothing but a confidence in the servility of the House, and an experience of their carelessness, with regard to all affairs, could make the ministry desperate enough to tell them, that in such a time they had not provided sufficiently for the splendour of the crown. The main argu-

ment on which the demand stood, was the experience of the whole reign, that 800,000*l.* was not sufficient for the civil list expences. To this ground of argument he objected; because if it were once admitted, the propriety of every man's practice would be judged by the practice itself; a man's extravagance would become the measure of his supply, and because he had actually spent a great deal, he ought in reason to be furnished with a great deal to spend. This would be to establish a principle of public profusion, which could never cease to operate, whilst we had a shilling to spend. It would even make it the interest of ministers to be prodigal, since their extravagance, instead of lessening their income, would be the certain means of increasing their estate.

Having refuted this kind of argument; taking for granted the very point in question—which was, whether the ministers had managed well or ill; whether they had incurred the debt properly or improperly,—he said, that the only way of judging of this matter was to proceed as wise men ought to do in all their private affairs, namely, to try whether the object obtained was equal to the consideration paid. The object to be obtained was the royal dignity; the consideration paid was 800,000*l.* a-year. The sum had been paid. Had the object been attained? Was the court great, splendid, and magnificent? To know whether the royal dignity might have been attained for that sum, and to discover whether the not obtaining it was owing to the scantiness of the supply, and not to the mismanagement of what was given, it was proper to see how other kings had maintained the royal dignity; what their charge, and what their incomes were. For this purpose, Mr. Burke took a comparative view of the income and stile of living of his present majesty, of George II., and of King William: That George II. had a more extensive family for a great part of his reign; that his income was not larger, nor so large, as that of the present king; that he appeared in a more princely manner than the ministers suffered his present majesty to live: That King

William had but 700,000*l.* a-year, yet that all his expences were great and royal; and if it should be objected that all means of living in splendour were cheaper in that age, he answered, first, by doubting the fact, and saying, that though some of the same articles might be cheaper, others were much dearer: next, he said, that this argument of the price of things could serve no purpose in the present question, because King William not only did more, but paid more; that his charges in all articles, in which royal dignity properly consisted, were higher than the correspondent articles of the king's expences; larger not only in effect but in account: that King William was censured for being expensive. *It* was true he was so; but he was magnificent. He attained his object, which appeared in the number and stateliness of his buildings, his furniture, pictures, &c. King George II. was accused of parsimony, not wholly without reason; but he attained his object; he was rich. His present majesty, to whom no one imputed either extravagance or penury, was, by the mismanagement of his ministers, neither magnificent nor wealthy. King William's magnificence was useful to the public; it added to the splendour of the crown and the dignity of the nation, and we had the monuments of it still. King George II.'s economy added 170,000*l.* to his majesty's civil list at his accession. He did more and better. King George II. maintained a year's war in Germany against the whole power of France, in a quarrel wholly British, at his own expence. He spent about a million sterling for this nation, and, after all, he died not poor, but left a large sum, besides a surplus of civil list cash to his present majesty. From all these circumstances Mr. Burke concluded, that the debt incurred could not be for the royal dignity, but for purposes not fit to be avowed by ministry, and therefore very fit to be inquired into by that House.

Mr. Alderman Sawbridge contended, that the deficiency now desired to be provided for, might easily be accounted for, without having recourse to the increased price of the necessa-

ries of life; it had been employed in corrupting both houses, it had been spent in private as well as public pensions; in single bribes, in temporary gratuities. The civil list revenue had been drained, he said, by as many different means as want suggested, or as corruption was capable of devising. Pensions during pleasure had been granted, the most sure and certain means of keeping members to their duty, by having the terror of its being withdrawn continually suspended over their heads as soon as ever they dared to think for themselves. — Here a great confusion arose, some calling to order; some to take down the alderman's words; others, hear him! hear him! As soon as this had subsided a little, Mr. Marsham desired that the honourable alderman might name the members of that House who enjoyed pensions during pleasure, as there was a statute in being, which created a disability from any person sitting there who enjoyed a pension during pleasure. Several members on the Treasury-bench, and in that part of the House, desired that the words might be taken down by the clerk. Others insisted, that such a mode of proceeding was not parliamentary, for the honourable alderman was at liberty to retract his words, if any passionate expression had fallen from him in the warmth of debate; or explain them, agreeably to the sense he meant they should convey. This argument was replied to by a general cry, loudly vociferated from the same quarter whence the noise and confusion from the beginning originated, "repeat them, repeat them: he will surely not refuse to repeat his words."

Mr. BURKE endeavoured to still the uproar, by jocularly observing, that the words "influence the members" and "increase the influence of the crown," were the current and fashionable expressions used in a former debate, as well as the present, which substantially imported the same with the words which had now given such high offence. For his part, he could see little difference, if any, between influence and corrupt influence; and corrupt influence and downright plain corruption. He confessed, however, that the sound of the latter was coarse and unpolite, when compared with the former. On this ground, therefore, the whole matter might be explained, to the entire satisfaction of all parties; those who liked, and those who disliked the

word corruption: for though it should be given up by one side, the sense would be still retained, and it would completely satisfy such as disapproved of it, that it was to be be discarded for ever out of the parliamentary vocabulary. The honourable alderman was a citizen, and had not attained to that height of polite phraseology, for which such as happily resided at the other end of the town were so justly distinguished; for which reason, what a courtier or an inhabitant of the west end of the town called influence, the worthy alderman, according to his gross mode of expression, very improperly called corruption.

The House divided on Lord John Cavendish's motion: Yeas 114: Noes 281. So it passed in the negative. The House then resolved itself into a committee of supply, and came to the following resolutions: 1. "That the sum of 618,340*l.* 9*s.* 6*d.* be granted to his majesty, to discharge the arrears and debts due and owing upon the civil list, on the 5th of January. 2. "That for the better support of his majesty's household, and of the honour and dignity of the crown, there be granted to his majesty, during his life, out of the aggregate fund, the clear yearly sum of 100,000*l.* to commence from the 5th day of January 1777, over and above the yearly sum of 800,000*l.* granted by an act made in the first year of his majesty's reign."

BIRMINGHAM PLAY HOUSE BILL.

April 29.

IN consequence of a petition presented to the House by Mr. Yates, leave was given to bring in a bill for enabling his majesty to license a play house in the town of Birmingham. The motion for the second reading of the bill was supported by Mr. Fox, Mr. Dempster, Mr. Wilkes, and Mr. Harris; and opposed by Sir William Bagot, Mr. James Luttrell, Sir Henry Gough, Mr. T. Townshend, and Mr. Rous.

Mr. BURKE, after exculpating Mr. Yates from the charge of impudence in his application to the House, declared it to be the right of every subject to petition parliament in any case, where the legislature could be of use to him. It rested with parliament to receive or reject his petition; but certainly he ought not to be treated with severity, so that he should go from that House in a worse situation than he came to it. As to the opprobrious epithets used in old acts of parliament against unlicensed players, he was sorry to say they pertook of the savage temper of the times in which they were made. The profession was a liberal one, and, under proper limitations, highly useful; and, therefore, he wished to see those whose abilities gave rational entertainment to the public treated with decent respect. If unlicensed players were deemed vagabonds, surely Mr. Yates was justifiable in attempting to obtain the sanction of the law for his person and for his entertainments; which the people of Birmingham seemed to have been fond of for so many years. He thought the personal character of Mr. Yates had nothing to do with the question. He then corrected Sir William Bagot in point of chronology, remarking, that theatres were instituted at the time when the Roman republic was in the most flourishing state; that civil liberty encouraged this rational entertainment; and it was only on the principle, that no man should be compelled even to pleasure, that he should oppose the bill; because it was evident to him that a very great majority of the inhabitants were against it. He mentioned Sir William's wish, that Birmingham might remain in its village state; and took notice of the politics of the times, which he feared would gratify the honourable gentleman's wishes; for instead of improving villages, and converting them into large towns, the wretched measures we had been pursuing for some time past, it was to be feared, would soon reduce our great trading towns to obscure villages. Birmingham might very soon have no theatre, no manufacturers, no magistrates.

The bill was read a second time. On the motion, that it be committed, the House divided: Yeas 18: Noes 69. So it passed in the negative.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

November 18.

THE session opened on the 18th of November. The speech from the throne expressed great satisfaction, in having recourse to the wisdom and support of parliament in this conjuncture, when the continuance of the rebellion in America demanded their most serious attention. The powers with which parliament had entrusted the crown for the suppression of the revolt, were declared to have been faithfully exerted; and a just confidence was expressed, that the courage and conduct of the officers, with the spirit and intrepidity of the forces, would be attended with important success: but under a persuasion that both Houses would see the necessity of preparing for such further operations, as the contingencies of the war, and the obstinacy of the rebels might render expedient, his majesty was for that purpose, pursuing the proper measures for keeping the land forces complete to their present establishment; and if he should have occasion to increase them, by contracting any new engagements, a reliance was placed on their zeal and public spirit to enable him to make them good. Although repeated assurances were received of the pacific disposition of foreign powers, yet as the armaments in the ports of France and Spain were continued, it was thought advisable to make a considerable augmentation to our naval force; it being equally determined not to disturb the peace of Europe on the one hand, and to be a faithful guardian of the honour of the crown on the other. The Commons were informed, that the various services which had been mentioned, would unavoidably require large supplies; and a profession was made, that nothing could relieve the royal mind from the concern which it felt for the heavy charge they must

bring on the people, but a conviction of their being necessary for the welfare and essential interests of these kingdoms. The speech concluded with a resolution of steadily pursuing the measures in which they were engaged, for the re-establishment of that constitutional subordination which his majesty was determined to maintain through the several parts of his dominions; accompanied with a profession of being watchful for an opportunity of putting a stop to the effusion of the blood of his subjects; a renewal or continuance of the former hope, that the deluded and unhappy multitude would return to their allegiance, upon a recollection of the blessings of their former government, and a comparison with the miseries of their present situation; and a declaration, that the restoration of peace, order, and confidence to his American colonies, would be considered by his majesty as the greatest happiness of his life, and the greatest glory of his reign. An address in perfect unison with the speech having been moved by Lord Hyde, and seconded by Sir Gilbert Elliot, the Marquis of Granby moved the following amendment: "To assure his majesty, that this House does most humbly advise and supplicate his majesty to be pleased to cause the most speedy and effectual measures to be taken for restoring peace in America; and that no time may be lost in proposing an immediate cessation of hostilities there, in order to the opening of a treaty for the final settlement of the tranquillity of those invaluable provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come: and this House desires to offer the most dutiful assurances to his majesty, that they will, in due time, cheerfully cooperate with the magnanimity and tender goodness of his majesty, for the preservation of his people, by such explicit and most solemn declarations and provisions of fundamental and irrevocable laws, as may be judged necessary for ascertaining and fixing for ever, the respective rights of Great Britain and her colonies." The amendment was seconded by Lord John Cavendish, and was warmly supported in general by the opposition.

Mr. Burke expressed great concern, that the matters urged by so many respectable members as had spoken before him should be treated so lightly, and took an opportunity of complimenting the several honourable persons

already mentioned, and of ridiculing the haughtiness of the minister. If it were possible, we would give a detail of a speech, which, for the space of nearly two hours, commanded the attention, excited the laughter, and sometimes drew tears from the sympathizing few; but we must omit all those changes of ridicule which were rung by Mr. Burke's ingenuity upon the defence which Lord North made in answer to the charge against General Burgoyne's proclamation; we must also pass over his proofs of the futility of our conquests in the colonies, and touch only on that pathetic supplication which he made to the House, to seize the present happy moment to attempt an accommodation, when, neither elated with insolent victory, nor debased with abject defeat, we could with honour to ourselves make such proposals to our colonists, as they could, without dishonour, accept. He apostrophised with a degree of enthusiasm upon the noble spirit of men, who, if they had not been rebels, he could have been lavish in praising; of women who, reduced by the ruin of civil discord, to the most horrible situation of distress and poverty, had constancy, generosity, and public spirit enough, to strip the blankets, in a freezing season, from themselves and their infants, to send them to the camp, and preserve that army which they had sent out to fight for their liberty. And shall Britons, said Mr. Burke, overlook such virtue? and will they persist in oppressing it? Shall we give them no alternative but unconditional submission? A three year's war has not terrified them, distressed as they are, from their great purpose. Let us try the power of lenity over those generous bosoms.

The amendment was negatived by 243 to 86.

Navy Estimates.

November 26.

IN the committee of supply, Mr. Buller moved, that 60,000 men be employed for the sea service, for the year 1778, including 11,829 marines. The motion occasioned a debate of considerable length, in the course of which,

Mr. Burke rose, and taking a retrospective view of the greatest wars which Great Britain had to sustain, during and since the reign of Lewis XIV., shewed the House, that they were then about to vote such a naval supply, when in a state of peace with every independent nation in the world, as was scarce to be equalled in times when they were at war with almost every power in Europe. When France, said he, had equipped the famous armament from La Hogue, we then had not a greater number of seamen in pay, marines, Greenwich-men, &c. included, than 33,000, which cost us 1,900,000*l.* In 1704, the fourth year of Queen Anne's war, the same number of men were voted, which cost but 1,200,000*l.* In 1747, the fourth year of the war with the united powers of France and Spain, we had 40,000 at an expence of something more than 3,000,000*l.*, and in the glorious year 1758, the naval establishment did not exceed by a single man 60,000; and the whole expence attending them, including a large debt of a million, naval ordnance, stores, and 4*l.* a month per man, amounted only to 5,200,000*l.*, whereas the peace establishment of the navy for 1778 will amount to upwards of 5,000,000*l.* This, said Mr. Burke, is an expence very little inferior to what we should be obliged to incur were we at war with the whole House of Bourbon, and all the maritime states of Europe. He observed, that France, merely by arming, caused as great a diversion in favour of America, as if she had absolutely declared war: for she obliged us to keep forty-two

sail of the line in commission at home, exclusive of the vast armament under Lord Howe. He asked, what alliances we had formed to support us in case of a rupture with the Bourbons? He reprobated the contract with the princelings of Germany, as mean and humiliating, and expressed his astonishment that the ministers had condescended to the indignity of courting the alliance of a few traders in human flesh. There is, said Mr. Burke, an alliance which they ought to make, let the price of it be what it will; and that is, an alliance with America: the first fruit of this alliance will be a saving of 100 sail of men of war, and 55,000 soldiers, which you may immediately call home to your assistance, if you have a war to sustain against any European power. — He expressed his dread, that Portugal was lost to us as an ally; that we had little to expect from Holland; and that there was not now a port from Dunkirk to Gibraltar, which would admit a British ship, if pursued by an enemy. He mentioned the affront put upon Sir Guy Carleton, and the illiberal abuse thrown out against the Howes by the runners of administration. If ministers did not speak out directly in terms of abuse of those able and injured officers, it was well known they heartily approved of it. It furnished during the whole summer the standing topic of conversation at their tables. Those who had the honour to be admitted there repeated the language they heard as a part of their duty; and it was evident, by the general tenor of the newspapers for some time past, which teemed with the most scandalous abuse of those brave men, who were now exerting every nerve in the faithful performance of their duty, that persons were hired and encouraged to propagate the most scandalous falsehoods, in writings and discourse, of both Lord Howe and his brother, in order to shift the blame off the shoulders of their patrons and employers.

The resolution was agreed to.

SUSPENSION OF THE HABEAS CORPUS ACT.

November 26.

THIS day Mr. Attorney-General Thurlow observed, that an act passed in the last session, intituled "An act to impower his majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his majesty's colonies or plantations in America, or on the high seas, or the crime of piracy," would expire on the 1st of January, 1778: that the same cause which made the law at first necessary still continued; namely, the rebellion in America, and that he therefore meant now to move for leave to bring in a bill for the further continuance of the said act for a limited time. Mr. Baker said, that the law now proposed to be further continued must have had some object in view when it was passed. It was with great reluctance he would at any time consent to the suspension of the Habeas Corpus Act, that great security of public freedom and personal liberty: there were circumstances, however, in seasons of great national danger, which had called for the particular interference of the legislature, and might again justify such suspension. He never thought the proposed bill intitled to any such public or parliamentary sanction; yet, if it were, experience must be the best proof whether those appearances were well founded. On this ground, therefore, he should be glad to know from the honourable and learned mover, in what instances the powers, which had now for full nine months been delegated, were exercised, and what were the evils they prevented or remedied? If none could be stated, in his opinion, it would be equally wanton and unnecessary to continue them, and be a dangerous precedent in time to come.

Mr. BURKE coincided with his honourable friend in his general reasoning, and further observed, that the bill was of the most extraordinary texture; nor were its operations, if they could be called by that appellation, less so. Here is a bill, which is to operate in every part of the British

empire, against pirates, or persons suspected of treason. Your generals on the other side of the Atlantic have established a public cartel, such as is agreed to, with an alien enemy, for the exchange of prisoners. It is no general light surmise or loose assertion; we find your commanders actually pressing Mr. Washington to a faithful performance of this cartel: we are informed of a correspondence between a Mr. Hutchinson, Lord Cornwallis, Mr. Washington, and others, in which the true spirit of the cartel is controverted; but not its existence, nor a professed unwillingness on either side, to comply with it. What do we behold on the other? I do not wish to state facts from general reports; if I am wrong, I trust the learned gentleman will set me right. Why, a direct contrary conduct in Europe; Lord Stormont, his majesty's minister at the French court, giving a very lofty answer to the American delegates residing there. He tells them, when they propose a similar cartel to that settled in America, in Europe, and an exchange of prisoners in consequence of it, "I never treat with rebels, unless to receive submission." I do not find fault with this answer; it was becoming the representative of a great nation; but I mention it only to shew the inconsistency of administration; or at least their divided opinions and conduct upon the same subject. Is rebellion in Europe different in its nature from what it is in America? Are our subjects in America, taken with arms in their hands, the last stage of resistance to the civil power, to be treated as fair, open, alien enemies? and is the mere suspicion of the same crime in Europe to be treated with all the rigour due to acts of the most deliberate and inveterate treason? I suspect this Bill is only to save appearances. Has any man been brought to judgment? Has any man been convicted or discharged? I have heard of none. The conduct of administration is, in my opinion, preposterous and absurd. The bill is unnecessary. It creates a power to confine people, who in the end, must come in under the faith of a cartel. Either, therefore, let the bill expire, or

preserve something like uniformity of conduct, by dissolving the cartel.

Leave was given to bring in the bill.

November 27.

This revival of an act which they had originally deemed so obnoxious, renewed the activity of some of the members of the opposition, who contended, that it was first necessary to know what effect the former bill had produced, before they consented to a renewal of its powers. Upon this ground, Mr. Baker moved, "That an humble address be presented to his majesty praying him to order a correct return and full description of all the prisoners, with an account of the prisons in which they are confined, in America as well as Great Britain, together with copies of their several commitments, and the bail, &c. offered for their enlargement, and all other proceedings of his majesty's privy council, in consequence of the power vested in them by the late bill for the suspension of the Habeas Corpus Act, to be laid before this House." Sir Grey Cooper insisted, that such an enquiry was unnecessary, and indeed nugatory, for it was impossible for administration to force the bill into operation, if the parties, who might think themselves aggrieved in the first instance, declined to avail themselves of that mode of redress which the bill held out. Mr. Welbore Ellis took occasion to say, that the motive from which he acted when he gave his assent last session to suspending the act, was not so much to punish as to prevent rebellion; few persons, he confessed, had been taken into custody in consequence of it; but then it must be attributed to the terrors of imprisonment, and the other consequences that might ensue; and if few persons had been confined, it was a proof that few crimes, against which the act was levelled, had been committed. Hence he inferred, that the suspension had awed many disaffected subjects into obedience and fidelity, and shut the door against domestic rebellion; that as it had prevented the commission of numberless rebellious acts, so it must continue to operate in the same manner, and prevent in future, equally as well as in the past; that therefore he could

not but justify the measure of still keeping the bill in being, that the same happy effects might not cease to be felt.

Mr. BURKE was warmed at the idea of suspending the Habeas Corpus, merely that rebellions might be prevented. The same argument, he said, might hold good to eternity, and occasion the suspension of that important act to the end of time. The fence of liberty might be cut down, and Britons be deprived of their most valuable privileges, if this mode of reasoning should be approved of by the House. The same cause that obliged the act to be passed this session, might produce a similar effect the next one, and thus defeat the purpose of the most valuable law we had. He implored, he entreated the House, if there was still one spark of genuine patriotism to be found in it, that they would now stand forth the guardians of their country's rights, assert their liberties, and crush the infamous bill that was to be the instrument of their slavery, in the first instance.

Mr. Welbore Ellis expressed himself surprised that the honourable member should fly into such extremes, and draw inferences which he did not think the premises could justify; truth and virtue, he said, were generally to be found in the midway, between the two extremes; and no political or metaphysical proposition could be advanced, which, if pursued to the utmost limits that refined reasoning could stretch it to, would not terminate in an absurdity. He never meant that a continual suspension should be grounded upon this temporary one; nor could he see the least danger that such a measure would ever originate from it.

Mr. BURKE again rose up, and confessed that truth was not to be found in the extremes; that he did not want to drive the honourable member to the *argumentum ad absurdum* in any metaphysical question; but in this political one he would wish to pursue him to the utmost verge of reasoning, till he should give up a measure pregnant with ruin. The land-tax, he observed, was introduced as a temporary

revenue, and by that means granted by the House: the army was at first voted for one year only: but now your army, said he, is a standing army; your land-tax is a standing revenue to maintain this standing army; and this suspension may become a standing suspension, and consequently the eternal suspension and destruction of the Habeas Corpus.

Mr. Baker's motion was agreed to; and the bill for the further suspension of the Habeas Corpus was read a second time.

MR. FOX'S MOTION FOR AN INQUIRY INTO THE STATE OF THE NATION.

December 2.

MR. FOX moved, "That this House will, upon Monday, the 2d of February next, resolve itself into a committee of the whole House, to consider of the state of the nation." The motion being agreed to, Mr. Fox rose again, and moved, amongst a variety of other papers, for "Copies of all such papers as relate to any steps taken for the fulfilling of that clause of an act, passed in the 16th year of his present majesty, intituled 'An act to prohibit all trade and intercourse with the 'colonies of New Hampshire, Massachuset's Bay, Rhode Island, 'Connecticut, New York, New Jersey, Pennsylvania, the three 'lower counties on Delaware, Maryland, Virginia, North Ca- 'rolina, South Carolina, and Georgia, during the continuance 'of the present rebellion within the said colonies respectively. 'for repealing an act made in the 14th year of the reign of his 'present majesty, to discontinue the landing and discharging. 'lading or shipping of goods, wares, and merchandize at the town 'and within the harbour of Boston, in the province of Massachu- 'set's Bay; and also two acts made in the last session of parlia- 'ment, for restraining the trade and commerce of the colonies 'in the said acts respectively mentioned; and to enable any 'person or persons, appointed and authorized by his majesty to 'grant pardons, to issue proclamations in the cases, and for the 'purposes therein mentioned;' by which, persons, appointed and authorised by his majesty, are empowered, under certain

conditions, 'to declare any colony or province, colonies or 'provinces, or any county, town, port, district, or place, in any 'colony or province, to be at the peace of his majesty;' and also that his majesty would be pleased to direct that a return of such colony or province, colonies or provinces, county, town, port, district, or place, in any colony or province, as has or have been declared to be at the king's peace, pursuant to the powers of the said act, be laid before this House." This motion was opposed strongly by Lord North, upon the ground that the producing and exposing of any papers relating to a negociation during its existence, would be a proceeding not only contrary to all established forms and practice, but totally subversive of the business in hand, and probably attended with the greatest prejudice to the cause in general. He declared himself ready and willing to grant every reasonable information in his power; but he also declared, that he neither could nor would consent to make discoveries, which would not be less inconsistent with all sound wisdom and true policy, than prejudicial to government, and contrary to the real interests of this country.

Mr BURKE observed, that he never knew the noble lord to behave with so much candour and generosity. He had agreed to every tittle of his honourable friend's request; he had published a bond wherein he granted all; but at the end was inserted a little defeasance, with a power of revocation, by which he preserved himself from the execution of every grant he had made. His conduct reminded him of a certain governor, who, when he arrived at his place of appointment, sat down to a table covered with every dainty and delicacy that art, nature, and a provident steward could furnish; but a pigmy physician, who watched over the health of the governor, excepted to one dish because it was disagreeable; to another, because it was hard of digestion; to a third, because it was unhealthy; and in this progressive mode robbed the governor of every dish on the table, and left him without a dinner. He exposed the folly of the idea that we must not negociate with the Americans until they had renounced their claim of independence. Are they not, he observed, in possession?

Are they not independent, *de facto?* They possess the whole country of America. What we have, we have gained by arms. If we have a government in America, it is founded upon conquest, since they set up their independence; and as they enjoy the right *de facto*, and we alone *de jure*, we must and ought to treat with them on the terms of a federal union. He instanced the supposition of a treaty with France. The king of Great Britain enjoys the right *de jure* to the kingdom of France; the French king enjoys it *de facto*; he is merely a congress usurper; and, yet, would it be argued, that no treaty of peace could take place with him until he had renounced his claim? He wished the house to consider the effects that would arise from a renunciation of their independence. By renouncing their independence the Americans acknowledged their rebellion; by acknowledging their rebellion, they acknowledged their crime; by their crime they were deprived of their rights, and obnoxious to punishment. In such case, no treaty could be made consistent with the honour of the British name; so that terms of negociation must be entered into during their independence. He said, that the act by which Lord and Sir William Howe were vested with their commissions, proposed two methods to be prosecuted in order to bring about a peace; the one by force of arms, the other by terms of conciliation. It would be necessary to inquire if both these methods had been practised; the first, he was sensible had been indeed tried, but he was afraid the second had not, else why were not New York, States and Long Islands, with any other territory we are in possession of, restored to the king's peace? Governor Tryon had written to General Howe for the purpose of restoring New York to the king's peace. General Howe answered, that he could not do it without the concurrence of the secretary of state; and there it stopped. This, he hoped, would be particularly enquired into. He supported the propriety of his honourable friend's motion on several other grounds, equally able and pointed, and hoped he would not depart from a tittle of his proposition.

Mr. Dunning contended in favour of the demand; and Mr. Attorney-General Thurlow was answering his arguments, when intelligence was circulated in a whisper, that the very papers in question had been just granted in the other House, on the motion of the Duke of Richmond. The Attorney-General was for a moment disconcerted, but declared, whatever might be the conduct of ministers, he, as a member of parliament, never could give his vote for making public the circumstances of a negociation during its progress. Lord North, somewhat irritated at a triumphant laugh which prevailed among the members of opposition, said, that whatever effect the anecdote might have on the House, he should adhere to his former opinion: it was disorderly to mention the decisions of the Lords in order to influence the determination of the Commons; who, as an independent body, should not change their sentiments on a mere unauthenticated report. Colonel Barré bantered the minister on the unusual circumstance of losing his temper. The House divided on Mr. Fox's motion: Yeas 89: Noes 178. So it passed in the negative.

Ordnance Estimates.

December 4.

On the resolution, That 682,816*l.* be granted for the ordinaries and extraordinaries of the office of Ordnance, for the year 1778,

Mr. Burke rose, and after expressing his surprise at the enormity of the charge, told the House he was the representative of the most populous commercial town, except London, in the kingdom. He believed his constituents paid one-tenth part of the supplies granted by this House; he therefore thought it his duty to search into the reasons for the supply called for; and as this appeared so enor-

mous and unreasonable, so unprecedented and unaccountable, he would have the most particular information — he would be acquainted with every item — he would know every reason for the grant — he should consider himself a thief, without interest, if he permitted his constituents' pockets to be picked without being told for what or wherefore. I wish, said he, to hear why such quantities of ordnance, and such numbers of men, are wanted. Some person in the cabinet must and shall inform me. I will not leave this seat, nor depart from this house, until I am satisfied. I think I shall be excused by my country, if I speak again and again on the subject — if I transgress the point of order, and urge my suit by many repetitions. I shall think myself within the best point of order, if I adhere to the interest of my constituents, and do not suffer their pockets to be picked for moonshine. I promise you, Mr. Speaker, I will not go to supper, nor regard order, till I am satisfied. What! the enormous sum of 683,000*l.* for ordnance — 140,000*l.* more than was voted for the year 1759, when we were at war with France and Spain, and had armies in America, in the West Indies, and over all Europe, and immense fleets full of cannon over all the world, in every sea, and in every climate! Is it not strange and unaccountable? Ought we not to inquire into this new proof of ministerialism. In the year 1759, we employed 250,000 men. This year we have 89,000, and yet a greater sum by 140,000*l.* is wanted to supply the ordnance! Common sense revolts at the idea — laughs at the absurdity. Mr. Burke then went into a long disquisition, and in progressive order enumerated the many measures of government that had induced him to be consistent in abominating the war; and concluded with calling again for information.

SUBCRIPTIONS FOR RAISING TROOPS, WITHOUT CONSENT OF PARLIAMENT.

January 22. 1778.

THE first business that came before parliament this year, was the measure of raising the new levies during the recess. Sir Philip Jennings Clerke observed this day in the House of Commons, that he had promised several of his neighbours in the country to make an enquiry into the business. That the people had been told, that the American war was the war of parliament; and that they were therefore exceedingly alarmed, to hear that a large body of forces had been raised during the recess, not only without the knowledge or advice of parliament, but without the smallest intimation having been given by the minister, before the adjournment, that any such scheme was even in contemplation. That, on the contrary, they had heard the noble lord had informed the House, that he should have a conciliatory proposition to lay before them at their next meeting, which he hoped would prove highly advantageous to this country. But, instead of a peace, he said, the noble lord had produced an army; and, what was still worse, an army raised under the auspices of persons who had never been noted for loyalty to their sovereign, or attachment to the constitution. The grand object of his enquiry, he said, was to know in what hands the sword was entrusted; for however necessary it might be to raise troops for this or any other war, it was absolutely incumbent on them to take care that the sword was placed in safe hands; and that it might not be turned against themselves. He accordingly moved, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House an account of the number of troops ordered to be raised during the late adjournment of parliament; specifying the different corps, and the names of the officers appointed to command them, and also the names of all the officers appointed to serve in each rank in the different corps, and the time each officer has served in any other corps in the army, previous to such appointment; and the rank he

held." The motion being agreed to, Lord North took that opportunity of declaring the happiness he felt in being able to inform the House, that the original purposes of the adjournment had not only been answered by the active exertions which had been used in the several departments of the public service, but that the voluntary unsolicited efforts of several loyal subjects had likewise contributed to that effect. That a subscription had lately been set on foot in several parts of the kingdom, which not only intimated the most valid indications of truly patriotic zeal, but which also afforded the most flattering testimony of the public satisfaction in the conduct of administration. That it was no small comfort and encouragement to persons entrusted with the management of public affairs, to find that the general opinion entertained of their conduct and measures was not to be influenced by contingencies, nor to give way to those unexpected and unlucky accidents of fortune, which no sagacity could foresee, nor human wisdom provide against; and that it must afford a pleasure peculiarly grateful to every true Englishman, to see the spirit and fortitude of the people rise with their difficulties, and in the present state of public emergency, shine out in so particularly conspicuous a manner.

Mr. BURKE took notice of the zeal of the noble lord, and the warmth of his bosom for the public weal. He supposed it to be that zeal, warmth, and ardour, that had induced him to assist, if not to devise, the raising of men without the knowledge of parliament, and by that means to act unconstitutionally for the good of his country. He remembered that the noble lord voted for an adjournment of parliament for six weeks, for two several reasons; the one, to give him an opportunity of digesting an equitable plan of conciliation, founded on concession; and the other, to guard him from being shot through and through with the long arrows of militant opposition. It had turned out, he said, however, that another more substantial reason existed for the adjournment of parliament — not of contriving propositions of peace, but of securing force towards war, in an illegal, unconstitutional, and extravagant way.

He observed on the present crisis of Great Britain, that it was lamentable in the extreme. He said, he had that day examined the state of our funds, and found that the three per cents. consolidated stood at 71¼; and he begged leave to contrast that with the state of the same fund in January 1760, the fifth year of a war with the united House of Bourbon, when they were 79. In the latter instance they were 79, when we had funded 23 million; and in the former they are 71, when we have funded five million. He continued to observe on the present mode of raising supplies: he said he would consider its propriety in two separate points of view; first, whether it was in respect of expence the most economical; and secondly, whether it was in respect of strength the most effectual. He considered the first expence of raising a regiment to be about 5,000*l.* So much we receive, supposing that the supplies flow from the voluntary gift of the subscribers. They are embodied in separate corps, habited, maintained for the war, discharged, and placed upon the half-pay list, all which, calculating the amount of half-pay at ten years' purchase, would cost us 30,000*l.*, so that we in reality receive 80,000*l.* as there are 16 regiments offered, to pay 480,000*l.* That this was economy worthy the people who contrived it he was well convinced; the offer received was a seeming advantage, but an actual loss; for wherever there was occasion for multiplying the supplies granted by parliament, it was most economical to raise them in separate corps, while the battalions already raised wanted more than one-half of their war establishment, as it brought a double charge of officers both on full and half-pay, which charge constituted the expence, amounting, as he said before, to 30,000*l.* for each 5,000*l.*

So far as to the economy. As to the efficacy, he would only observe, that in our former wars, it was held prudent and expedient to advance the battalions from their peace to their war establishment, which was nearly double, mingling thereby the new with the veteran troops, and adding to the strength of the one the experience of the

other. This, he said, was the practice of former times; it was so done last war, and, as we were crowned with conquest, he would not believe that it was wrong, nor would he adopt any other mode in preference to it. He observed, ironically, that of all the expedients used by a skilful ministry towards redeeming public credit, none was ever more truly deserving of attention, or more worthy of applause, than the present. A charitable subscription was begun for the relief of the distressed American prisoners, and the ministry nobly caught at the contrivance, envied the small contributions made to relieve the distress themselves had occasioned, and opened the strings and the mouth of a subscription-bag for the treasury. Convinced as they were, that the country would no longer be induced by interest, to hazard their money in subscribing towards loans, secured by government, they applied to their benevolence, and, like a beggar asking a boon, received charitable donations from the pity-disposed people of this country. He said the noble lord in the blue ribbon reminded him of Pericles, who, exhausted with misfortune, wasted with disease, and lingering with pain, walked abroad, bedecked with amulets, charms, and saws of old women. The loan now unfilled and unpaid, was his disease; and the charitable contributions of his friends were his amulets and charms. He was ready to grant, that voluntary donations might be fairly interpreted, as proofs of a people's affection, but they were no less so of their real poverty. Private and public life exhibited pregnant proofs, that solicitations on one hand, or benevolences on the other, were the common effects of pride, poverty, and pity. Persons might be mean from choice, naked from meanness; but rags discovered an involuntary meanness, or a poverty willing to be concealed. It was true, that France, during the late war, in the midst of her national distresses, was assisted by the people, who delivered up their plate for the public service. This was a glorious instance of national patriotism, but it was likewise a proof of national poverty.

The mention of the last war must recal to the minds of every person present, the most disagreeable and humiliating ideas, and fill the House, as well as nation, with regret. He then contrasted the state of this country at present, and at the period alluded to, in the most striking point of view; and said, that what added a particular aggravation to the nature of our misfortunes was, that every wicked, weak, or blundering measure was sanctioned under the name of the constitution; every thing that was transacted in parliament, cabinet, or elsewhere, was sheltered under that venerable name. The use this word was lately employed in, brought to his recollection Dean Swift's application of Whitshed, a prostitute Irish crown lawyer's motto on his coach, "*libertas et natale solum*," which would be applied by every man according to his own ideas, or as his interest led him. Just so with the noble lord; the idea annexed to the word 'constitution' by him was very different to its true import in a limited monarchy. He might mention it as often as he pleased, and ring the changes upon constitution, constitutional, &c.; but he might as well expect that his garter would preserve him from the gout, or his ribbon expel a fever, as imagine that to prostitute the word constitution would prevent an investigation into his conduct at some future period.

MR. BURKE'S MOTION RELATIVE TO THE MILITARY EMPLOYMENT OF INDIANS IN THE CIVIL WAR WITH AMERICA.

February 6.

IN pursuance of the notice he had given,

Mr. BURKE rose, and moved, "That an humble address be presented to his majesty, that he will be graciously

pleased to give directions, that there be laid before this House copies of all papers that have passed between any of his majesty's ministers and the generals of his armies in America, or any person acting for government in Indian affairs, relative to the military employment of the Indians of America, in the present civil war, from the 1st of March 1774, to the 1st of January 1778."*

Mr. Burke began by observing, that one of the grand objects of the enquiry into the state of the nation, was the conduct and quality of the troops employed in America. That an account of the king's regular forces, and those of his European allies, were already before them. That hitherto no account had appeared of his irregular forces, particularly those of his savage allies; although great dependence had been placed upon them, and they had been obtained at a very great expence. That it was necessary to examine into this point; because an extension of their mode of making war had lately been strenuously recommended. The prevailing idea was, that, in the next campaign, the plans hitherto pursued were to be abandoned; and a war of distress and intimidation was to take place of a war of conquest, which was now found to be impracticable.

He said, that this mode of war had already been tried upon a large scale, and that the success which had hitherto attended it would afford the best evidence how far it might be proper to extend it to all our troops, and to all our ope-

* Strangers were excluded during this debate. Mr. Burke spoke for nearly three hours and a half. Many gave the speech a preference to any other he had ever spoken. Indeed, this applause was carried to such a pitch, that while one gentleman, in his place, wished it to be printed, and affixed to all the church-doors which contained the proclamation for a general fast, a member of great distinction congratulated the ministers upon admitting no strangers on that day into the gallery, as the indignation of the people might have been excited against them to a degree that would have endangered their safety. It is to be regretted, that a full report of this speech was never preserved. See Annual Register for 1778, p. 110.

rations. That if it did not promise to be very decisive as a plan merely military, it could be attended with no collateral advantages, whether considered with respect to our reputation, as a civilized people, or to our policy in regard to the means of reconciling the minds of the colonies to his majesty's government.

He then stated what the nature of a war, in which Indians were the actors against a civilized people, was; and observed, that the fault of employing them did not consist in their being of one colour or another; in their using one kind of weapon or another; but in their way of making war; which was so horrible, that it not only shocked the manners of all civilized nations, but far exceeded the ferocity of any other barbarians that have been recorded either by ancient or modern history. He observed, that the Indians in North America had but two principal objects in their wars; the one was the indulgence of their native cruelty, by the destruction, or, if possible, the extermination of their enemies; the other, which always depended on the former, was the glory of acquiring the greatest number of human scalps, which were hung up and preserved with the greatest care in their huts, as perpetual trophies of victory, conquest, and personal prowess. As they had neither pecuniary emoluments, nor those honorary titles or distinctions, which are so flattering in civilized nations, to bestow, the rewards of danger and warfare consisted in human scalps, in human flesh, and the gratifications arising from torturing, mangling, roasting alive by slow fires, and frequently even devouring their captives. Such were the rewards of Indian warriors, and such the horrors of an Indian war!

He then proceeded to shew, that the employment of the savages in the wars between the French and the English, did not in any degree come up to the measure in question, nor did it stand on the same principles. When those nations first made settlements in North America, the Indian tribes were, comparatively, numerous and powerful states; the new settlers were accordingly under an inevitable ne-

cessity, not only of cultivating their friendship, and forming alliances with them, but of admitting them as parties in their contests and wars with each other; the affairs of both nations were so inextricably entangled with those of the people who had sold or given them lands, and admitted them to a share of their country, that they could not be separated; their contracts on both sides created a mutual interest; and while the savages retained any degree of their original power, they could not be indifferent to the disputes that arose among their new neighbours.

But the case was now totally altered. The English colonists were the only Europeans in North America; and the savages were so entirely reduced in number and power, that there was no occasion for holding any political connection with them as nations. They were now only formidable from their cruelty; and to employ them was merely to be cruel ourselves in their persons: and thus, without even the lure of any essential service, to become chargeable with all the odious and impotent barbarities, which they would inevitably commit, whenever they were called into action.

Mr. Burke then proceeded to examine the arguments or apologies that had been used by ministers, in defence or alleviation of the measure. These he arranged under three heads, the first and principal of which was contained in the assertion, "That if his majesty had not employed them, the rebels would." To this he answered, that no proof whatever had been given of the Americans having attempted an offensive alliance with any one tribe of savage Indians. Whereas the imperfect papers already before the House demonstrated, that the king's ministers had negociated and obtained such alliances from one end of the continent of America to the other. That the Americans had actually made a treaty on the footing of neutrality with the famous Five Nations, which the ministers had bribed them to violate, and to act offensively against the colonies. That no attempt had been made in a single instance on the part of the king's ministers to procure a neutrality; and, that

if the fact had been (what he denied it to be) that the Americans had actually employed those savages, yet the difference of employing them against armed and trained soldiers, embodied and encamped, and employing them against the unarmed and defenceless men, women, and children, of a country, widely dispersed in their habitations, was manifest; and left those who attempted so inhuman and unequal a retaliation without a possibility of excuse.

The other heads of defence were, "That great care had been taken to prevent that indiscriminate murder of men, women, and children, which was customary with the savages;" and "that they were always accompanied by disciplined troops to prevent their irregularities." On these he observed, that if the fact had been true, the service of the savages would have been a jest; their employment could have answered no purpose; their only effective use consisted in that cruelty which was to be restrained; but he shewed, that it was so utterly impossible for any care or humanity to prevent or even restrain their enormities, that the very attempt was ridiculous: in proof of which, both the present and former wars afforded numerous instances; and it particularly appeared, both in General Burgoyne's and Colonel St. Leger's expeditions, that, although no pains were neglected to check their barbarity, they indiscriminately murdered men, women, and children, friends and foes, without distinction; and that even the slaughter fell mostly upon those who were best affected to the king's government, and who, upon that account, had been lately disarmed by the provincials. The murder of Miss M'Rea, on the morning of her intended marriage with an officer of the king's troops, and the massacre in cold blood of the prisoners who had been taken in the engagement with General Harkemer, only needed to be mentioned to excite horror, and at the same time to shew the impracticability of restraining the barbarities of the savages.

With respect to the latter of the foregoing positions, "That the savages had always been accompanied with regular troops," Mr. Burke gave it a direct contradiction.

He shewed, that whole nations of savages had been bribed to take up the hatchet, without a single regular officer or soldier amongst them. This had been particularly the case of the Cherokees, who were bribed and betrayed into war, under the promise of being assisted by a large regular force; they had accordingly invaded Carolina in their usual manner, but for want of the promised support, were nearly exterminated; and the remains of that people now lived in a state of servitude to the Carolinians.

He then stated the monstrous expence, as well as the inefficacy, of that kind of ally; and the unfortunate consequences that had attended their employment. That one Indian soldier cost as much as five of the best regular or irregular European troops. That the expence of these Indians had not been less than 150,000*l.* and yet there never had been more than seven or eight hundred of them in the field, and that only for a very short time. So that it appeared as if our ministers thought, that inhumanity and murder could not be purchased at too dear a rate. He shewed that this ally was not less faithless than inefficacious and cruel. That on the least appearance of ill success, they not only abandoned their friends, but frequently turned their arms upon them. And he attributed the fatal catastrophe at Saratoga to the cruelties exercised by these barbarians, which obliged all mankind, without regard to party, or to political principles, and in despite of military indisposition, to become soldiers, and to unite as one man in the common defence. Thus was the spectacle exhibited of a resistless army springing up in the woods and deserts.

He also passed some severe strictures on the endeavours in two of the southern colonies to excite an insurrection of the negro-slaves against their masters. He insisted that the proclamation for that purpose was directly contrary to the common and statute law of this country, as well as to the general law of nations. He stated, in strong colours, the nature of an insurrection of negroes; the horrible consequences that might ensue from constituting 100,000 fierce barbarian slaves, to be both the judges and executioners

of their masters; and appealed to all those who were acquainted either with the West India islands or the southern colonies, as to the murders, rapes, and horrid enormities of every kind, which had ever been acknowledged to be the principal objects in the contemplation of all negroes who had meditated an insurrection. The vigour and care of the white inhabitants in Virginia and Maryland had providentially kept down the insurrection of the negroes. But if they had succeeded, he asked what means were proposed for governing those negroes, when they had reduced the province to their obedience, and made themselves masters of the houses, goods, wives, and daughters of their murdered lords? Another war must be made with them, and another massacre ensue; adding confusion to confusion, and destruction to destruction.

The result was, that our national honour had been deeply wounded, and our character as a people debased in the estimation of foreigners, by those shameful, savage, and servile alliances, and their barbarous consequences. That instead of any military effect of value, they had only led to defeat, ruin, and disgrace; serving to embitter the minds of all men, and to unite and arm all the colonies against us. That the ineffective attempt upon the negroes was the grand cause of that greater aversion and resentment, which appeared in the southern, than in many of the central and northern colonies; of their being the first to abjure the king; and of the declaration made by Virginia, that if the rest should submit, they would notwithstanding hold out singly to the last extremity: for what security could they receive, that, if they admitted an English governor, he would not raise their negroes on them, whenever he thought it good to construe any occasional disturbances into a rebellion, and to adopt martial law as a system of government?

He concluded, that the only remedy for the alienation of affections, and the distrust and terror of our government, which had been brought on by these inhuman measures, was for parliament to enquire seriously and strictly into

them; and, by the most marked and public disapprobation, to convince the world that they had no share in practices which were not more disgraceful to a great and civilized nation than they were contrary to all true policy, and repugnant to all the feelings of humanity. For that it was not in human nature for any people to place a confidence in those to whom they attributed such unparalleled sufferings and miseries; and the colonies would never be brought to believe, that those who were capable of carrying on a war in so cruel and dishonourable a manner, could be depended on for a sound, equitable, and cordial peace; much less that they could be safely entrusted with power and dominion.

Mr. Burke's motion was supported by Mr. Fox, Mr. Serjeant Adair, Sir Alexander Leith, Mr. Thomas Townshend, Colonel Barré, Mr. James Luttrell, and Governor Johnstone. It was opposed by Mr. De Grey, Lord George Germain, and Lord North. After a warm debate of seven hours, the motion was rejected upon a division, by a majority of 223 to 137.

March 23.

On the motion for agreeing with the resolution of the committee of supply, "That 1,406,923*l.* be granted for the army extraordinaries,"

Mr. Burke moved an amendment, by adding these words, "saving and excepting the sum of 160,837*l.* which appears, by Sir Guy Carleton's accounts, laid before this House, to have been expended for the carrying on of a savage war in a manner contrary to the usage of civilized nations, against the English colonies in North America; excepting also the sum of 16,000*l.* which appears to have been expended for the same purpose in the southern department of Indians; excepting also the sum of 5,000*l.* which hath been expended in carrying on a war of insurgent negroes against the inhabitants of the province of

Virginia; and excepting whatever hath been paid out of the said extraordinaries, specified in General Carleton's correspondence, for 100 crosses, and five grose of scalping knives, the said expenditure being disgraceful to religion and humanity." He said, that his reason for doing so was, that he hoped an English House of Commons would never consent to pay this sum, which had been advanced to purchase hatchets, tomahawks, scalping-knives, razors, spurs, &c. for the savages of America to butcher, torture, scalp, and massacre old men, women, children, and infants at the breast.

The House divided on the amendment: Yeas 21: Noes 56. So it passed in the negative.

PRIVATE AIDS TO THE CROWN.

April 2.

MR. WILKES having this day moved, "That leave be given to bring in a bill more effectually to prevent the dangerous and unconstitutional practice of giving, or granting, money to the crown, as a private aid, loan, benevolence, or subscription, for public purposes, without the consent of parliament,"

Mr. BURKE took occasion to say, that British liberty would be but a mere shadow, if the king on the throne could legally or constitutionally raise troops without the consent of parliament. There were cases of emergency, when the safety of the state depended upon a timely and constitutional exercise of the prerogative; such as in the case of invasion, dearth, &c. but pending the sitting of parliament, he held any attempt to raise troops, without a consent direct or implied, no better than a royal usurpation of parliamentary rights. He said, a supineness, a

political stupor, had seized parliament, and that we now seemed to be just ripe for ruin.

The House divided: Yeas 40: Noes 71. So it passed in the negative.

IRISH TRADE BILLS. *

May 6.

ON the motion for the second reading of the bill, "to permit the importation of certain goods from the British plantations in America, or the British settlements on the coast of Africa, into the kingdom of Ireland," Sir Cecil Wray moved, that the bill be read a second time upon that day three months. In the course of the debate,

Mr. BURKE rose to answer the arguments of the honourable gentlemen who opposed the bill. The bills before the House, he said, were no more than restorations of what the wisdom of a British parliament had, on a former occasion, thought proper to invest Ireland with. In the 12th of Charles II., the navigation bills passed, extending to Ireland as well as England. A kind of left-handed policy had, however, deprived her of the freedom she had enjoyed under that act, and she had ever since remained under the

* See "Two Letters from Mr. Burke, to Gentlemen in the City of Bristol, on the Bills depending in Parliament relative to the Trade of Ireland, 1778." Burke's Works, vol. iii. p. 207.

"Mr. Burke was the great and powerful supporter of the bills in point of debate. His situation was rather singular, and undoubtedly embarrassing. For he received his seat in parliament, without expence, from the free votes and predilection of the citizens of Bristol in his favour, and his constituents now thought their interests materially affected by the bills in question." Annual Register, for 1778.

most cruel, oppressive, and unnatural restriction. Deprived of every incentive to industry, and shut out from every passage to wealth, she had inwardly lamented, but she had never complained of her condition. She had gone the most forward lengths in serving the interests, and in defending the rights of Great Britain. She had assisted in conquests, from which she was to gain no advantage, and emptied her treasury and desolated her land, to prove her attachment and loyalty to the government of this country. Such had been her conduct, and her reward had been restriction and bondage of the most cruel nature. He did not mean, he said, by describing her situation, to engage the humanity of the House in her favour. He knew very well they were but poor resources. The people of Ireland would not accept of favours flowing from the humanity of the House. They called for justice, not for pity. They requested Britain to be wise, not to be generous; to provide for her own good, and secure her own interest — sensible that wisdom and prudence would dictate, that to accomplish these, a contrary conduct towards them was necessary.

The honourable gentlemen who opposed the bill had drawn into collection the arguments and reasons they maintained to exist against all the bills, meaning, no doubt, thereby to prejudice the House the more by their aggregate effect. Though he detested this inequitable mode of proceeding, he would not evade the combat even on that ground, nor wish to engage the House in favour of the bills, if he could not, in the fullest manner, answer every objection they had brought to every part. The honourable gentleman who had moved the amendment wished to reconcile the people of Ireland to delay, by pledging the honour of parliament, that something effectual should be done in their favour next session. He knew the temper of the Irish too well, to believe that they would sit down satisfied with such an assertion. They would conclude within themselves, depending on experience for their guide, that the promise of something to be done next session,

would alone produce the repetition of a promise, for the session following; and promise, repetition, and promise, from session to session, would be the only benefit they would receive. He did not conclude, that the denial of what even justice demanded of us in their favour, would produce disturbance and rebellion in that country; their loyalty and zeal was superior to complaint; they might despair, but they would not resist. Other places, experienced in rebellion, had resolved, it seemed, to enter or not to enter into it, according as these bills were determined; but Ireland regarded more the welfare of the empire at large than the interest of herself in particular. They were patient and loyal, and therefore, he supposed, they were crushed; for it was the policy of the present day to forego the excellent and noble maxim of the Romans, "*parcere subjectis et debellare superbos*," for the infamous proverb of British growth, "Proud to the humble, and humble to the proud."

Mr. Burke then went into a particular detail of the arguments of the honourable gentleman relating to commercial advantage. The annual revenue of the two kingdoms, he said, had been exultingly, but most inequitably, drawn into comparison, to prove that Ireland paid no proportion of tax. It was not the number of inhabitants that constituted the specific difference in the article of taxation between two countries; but the distinction of internal opulence and external advantage. Compare the two countries by that line, and it will be found that Ireland is taxed in a quadruple proportion more than England. The internal wealth, and the external advantage of trade and commerce are forty times greater in England than in Ireland. There is, therefore, no ratio of proportion in the mode of taxing the latter. She is taxed without enjoying the means of payment. There are several excises which England is subject to, and which she is not. Suppose them laid: they must be laid for the sake of oppression, not production; and for the benefit of the officers, not of the revenue. Leather is taxed in England — but what would be the

produce of such a tax, where such innumerable multitudes of the people never wear shoes? You tax candles in England. But there are two hundred thousand houses in Ireland, in which probably a candle, such as you tax, was never lighted. The taxes must follow wealth, and not precede it. If any attempt against this rule is made, there will neither be wealth nor taxes. This, he said, was the order of nature; which must be followed. And as to the judgment of the proportion, it must be left to themselves, or they are not free; and surely the fault of the parliament of Ireland has never been illiberality in its grants. Restricted from trading, she enjoys no opportunity of acquiring wealth to defray and discharge the taxes imposed upon her. Enlarge her means of payment, and, in proportion to her ability, she will enlarge her taxes. An equality of commercial advantage could not be established between the two countries. The opulence of the one is a great obstacle to the other. The great disproportion of capital effectually destroys the possibility of an equality. And as the ability of proceeding will increase in the same proportion, in the progress of the one and of the other, the same proportion of advantage will still remain. The Irish will be able to follow the English at an equal distance in every stage, both in the outset and in the continuance; but they will never be able to accelerate their motion so as to overtake them.

He said, the supposed operation of the cheapness of labour with respect to manufactures was totally unfounded, and the arguments founded thereon nugatory; and that until the instant that the price of labour was equal in both countries, the superiority of manufacture would remain with the English. That the price of labour rises with the growth of manufacture, and is highest when the manufacture is best. And that the experience of every day tells us, that where the price of labour is highest, the manufacturer is able to sell his commodity at the lowest price. He observed, that the difference of duty on some of the enumerated imported articles, was so abundantly

overbalanced by the other advantages enjoyed by this country; that without it, there could not be the smallest degree of competition in manufacture on the side of Ireland; nor could that in any degree hurt England. They had, he said, a strange opinion of the extent of the world, who believed that there was not room enough in it for the trade of two such islands as these.

He observed, that most, if not all of the petitions on the table, tended to express the utmost fears of the consequences that would arise from granting a free exportation of sail-cloth and iron to the Irish. At the same time the real matter of fact is, that the Irish have long possessed, without being able to turn it to any advantage worth mention, the free exportation of manufactured iron and steel, as well as of sail-cloth. From hence it is evident, that the petitioners have not felt from the reality what they dreaded in the idea; and it is fairly to be inferred, that the other matters of apprehension contained in the petitions are as groundless as these; and are only founded, like them, upon mere conjecture. It also appears evident, that the advantages possessed by the English are so far superior in these respects, that the Irish were not able to prosecute these manufactures to any purpose, nor consequently to turn their liberty of exportation to account. And this, he said, was so truly the fact, that every species of iron manufacture, in particular, was actually exported in incredible quantities to Ireland.

He shewed from other instances, as well as the present, how hastily and erroneously manufacturers are liable to form their opinions upon subjects of this nature; and upon what slight grounds alarms are raised, and apprehensions propagated amongst them. Particularly, when, some years ago, a bill was brought in for the free importation of woollen yarn from Ireland, a universal alarm was excited, and petitions were sent in from every quarter, stating and complaining of the ruinous consequences which it would produce; the bill, however, passed into a law, and now, upon a full experience of its effects, they both feel and

acknowledge its beneficial tendency. But it was absurd, he said, to think that a participation of manufacture would be detrimental to this country. Had we not seen the woollen manufactory planted in different parts of this country; and had we not also seen that it throve by the competition?

He concluded with lamenting that it could happen in any one instance, that his conscience should direct him to take a part contrary to the opinion of his constituents. It had been his invariable aim to protect their rights and interests, and to act at all times as became the senator and representative of the people. In this instance he had dared to act contrary to the wishes, though, he was sensible, not to the interests, of his constituents. And if, from his conduct in this business, he should be deprived of his seat in that House, as he apprehended he might, his conduct being disapproved by many of his chief friends and supporters, as well as by all who had opposed him at his election, he had the satisfaction of being perfectly assured, that he should suffer in the very cause of those who had inflicted the punishment. He should not blame them if they did reject him; the event would afford a very useful example; on the one hand, of a senator inflexibly adhering to his opinion against interest, and against popularity; and, on the other, of constituents exercising their undoubted right of rejection; not on corrupt motives, but from their persuasion, that he whom they had chosen had acted against the judgment and interest of those he represented.

The question being put, That the bill be now read a second time, the House divided: Yeas 127; Noes 77. Sir Cecil Wray's amendment was consequently lost; and the Bill was read a second time.*

* "In consequence of some compromise between the supporters and opposers of the Irish bills, although the former shewed a great superiority of strength, it was notwithstanding thought necessary to give up,

DEATH OF THE EARL OF CHATHAM.

May 21.

THE following Petition was this day presented to the House by one of the sheriffs of London:

"To the Honourable the House of Commons, in Parliament assembled: The humble Petition of the City of London, in Common-council assembled.

"Sheweth, That your petitioners humbly beg leave to return their grateful thanks to this honourable House for the noble and generous testimony which it has borne to the services and merits of the late W. Pitt, Earl of Chatham.

"And your petitioners, with all humility, desire that their zeal may not seem unpleasing to this honourable House, or be interpreted as a wish in your petitioners to vary from the general sense of their country, as expressed in the late votes of this honourable House, by their requesting that the remains of the Earl of Chatham be deposited in the cathedral church of St. Paul, in the city of London.

"Your petitioners farther represent to this honourable House, that they entirely feel the delicacy of their situation, in consequence of the several measures taken by this honourable House, but hope that a favourable interpretation will be put upon any particular marks of gratitude and veneration which the first commercial city in the empire is earnest to express

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for the present, most of the advantages that were originally intended for that country. Some enlargement, however, was given to the linen trade, particularly in the article of checks; and some openings given in the African and West India trades which did not before exist. Thus the measure, at its final transit through parliament, might be rather considered as an opening to future service, and an earnest of good intention, than as affording any immediate benefit, or even as holding out any future advantage, of any great importance to Ireland." Annual Register.

towards the statesman, whose vigour and counsels had so much contributed to the protection and extension of its commerce.
By order of the Court, RIX."

Mr. Dunning expressed his approbation of the stile and purport of the petition. Mr. Rigby said, he was not in a humour to pay such a compliment to the corporation of London, as to separate the body from the monument, which, according to the vote of the House, was to be erected in Westminster-abbey. The government of the corporation was now, he said, in the hands of improper persons; the aldermen were now not traders but politicians. Mr. Thomas Townshend said, that the petition was the most polite, the most respectful, and perhaps the best written that had ever been laid before the House.

Mr. BURKE joined with those who wished that Lord Chatham's remains might be buried in St. Paul's: that spacious cathedral was particularly calculated, he said, for monuments; it was now a mere desart, while Westminster-abbey was over crowded. He dwelt much upon the virtues of the deceased lord; and though he knew that there had been some shades in his character—for it was in some degree impossible to be in nature a great character without faults—yet they were so brightened by the resplendent glory of his virtues, that they were to him now, since his death, perfectly invisible. He did not agree with a right honourable gentleman, that politicians were unfit for the government of the city: the city politicians had before now saved the city; and it was to the firmness of their politics that the House owed their existence; that a sheriff, a privilege singular in its kind, could appear at their bar; or indeed that there had been any parliamentary bar for them to appear at. The petition, he declared, was worded in a manner which did the composers of it no less honour for the patriotic and respectful sentiments it breathed, than for the elegance and beauty of the stile in which it was written. As to the place of the noble earl's interment, he hoped the House would not interfere, and rob his family of a right of which it were a species of sacrilege to deprive them—that of depositing where they should think fit the

remains of this great ancestor, the pride and boast of their family, and the source of future emulation to glorious deeds, such as his example might prompt them to.

The petition was ordered to lie on the table.

ARMY ESTIMATES—AMERICAN INDEPENDENCY.

December 14.

THIS day, Mr. Jenkinson, the secretary at war, moved the army estimates for the year 1779. In the course of the debate that took place on this occasion, Mr. Welbore Ellis said, that there was a magnanimity in this country, and sufficient resources to enable her, by a proper exertion of the one, and application of the other, to extricate herself from all her difficulties, and to put an honourable termination to a war founded upon the strongest necessity; a war which could no otherwise be concluded, with any regard to the reputation and interest of Great Britain, than by vigorously opposing the united powers of the rebellious Americans and the treacherous French. Much had been said about withdrawing the army from America. Some gentlemen were for it, but he was not. Much had also been said about acknowledging the independence of America; and even that measure had its advocates; but he was not one of them. He would never acknowledge her independence; and he thought the first measure included the last, which was his great objection to it. To acknowledge the independence of America, however palliated by expressions of prudence and policy, was, in his opinion, weak, disgraceful, and dangerous.

Mr. BURKE declared, that the honourable gentleman had addressed himself chiefly to the passions of the House. This he thought a very improper moment for such an address; he preferred speaking to the good sense and

reason of those who heard him. It was an easy thing, and to the ears of most Englishmen a very satisfactory one, to boast of the magnanimity and the spirit of this country. Such arguments caught the passions, and while they proved nothing, tended to lead astray the judgment and bewilder the senses. Until it was made evident to his understanding, that with thirty millions of debt, which we had incurred by the American war, we were richer than before, and until he was convinced that we could do more with a small force than we had been able to effect with a large army—the best appointed that the world had ever seen—he would not agree, that this was a moment for us to pursue the same system which had put us in such peril, or to continue a war in America, where all our schemes of conquest had been defeated, and where so much of our treasure, and so much of our national force, had been sacrificed and thrown away. He contended, that great as our resources might be, it was the certain way to exhaust them altogether, to apply them to the furtherance of a design, which experience ought long since to have taught us, it was impossible for us to accomplish.

With regard to avowing the independency of America, gentlemen looked at the position in a wrong point of view, and talked of it merely as a matter of choice, when, in fact, it was now become a matter of necessity. It was in this latter light only that he regarded it—in this latter light only that he maintained that it was incumbent on Great Britain to acknowledge it directly. On the day that he first heard of the American states having claimed independency, it made him sick at heart; it struck him to the soul, because he saw it was a claim essentially injurious to this country, and a claim which Great Britain could never get rid of: never! never! never! It was not, therefore, to be thought that he wished for the independency of America. Far from it. He felt it as a circumstance exceedingly detrimental to the fame, and exceedingly detrimental to the interest of his country. But when, by a wrong management of the cards, a gamester had lost

much, it was right for him to make the most of the game as it then stood, and to take care that he did not lose more. This was our case at present; the stake already gone was material, but the very existence of our empire was more, and we were now madly putting that to the risk. The argument of the honourable gentleman was in other words this: "I have lost my Lincolnshire estate—I have lost my coal-mines in Northumberland, and my tin-mines in Cornwall, but I have still left a goose-common and a duck-decoy, and I have great magnanimity." It was exactly the language held by those who had gained the estates of minors by dice and hazard—"You lost your estate at the gaming-table—go there again; there it is that you must look for another estate!"

He adverted to what had fallen from Governor Johnstone, relative to the folly of giving up the independency of America, and the still remaining power of this country to conquer and recover her. The honourable gentleman had declared, that the majority of the people of America were still at heart the friends of this country; that they longed most ardently to avow their sentiments of loyalty, and return to their allegiance. The honourable gentleman had said further, that the congress were not chosen by the united voices of the people of America; that they held their situation by force, and that their tyranny was intolerable; and the honourable gentleman had mentioned, that the vote of independency was carried by a majority of two only; and that in the province of Pennsylvania where he was, there he was sure we had 30,000 friends. If these things were so, how happened it, that when we had at Philadelphia an army, the finest ever seen, of 18,000 men, to support the 30,000 provincials, who wished so well to Great Britain, that the 30,000 did not avow their loyalty to Great Britain, and did not deny the authority of the 600 tyrants who formed the monster called Congress, which held them in such oppressive subjection? If 30,000 dared not oppose the usurped power of congress, with such a powerful support at their back, was it likely that they

should hereafter do it, when we were not in the heart of them? The honourable gentleman had also said, that in Massachuset's Bay, which was originally the centre of opposition to Great Britain, as it was the head-quarters of rebellion, the people were divided into powerful factions, equally conducive and promising to the interests of this country; one party opposing congress generally, and the other opposing congress particularly, on account of the alliance they had made with France. Surely, if this had been as the honourable gentleman stated, his majesty's commissioners would have been more successful! The proposals they had made were sufficiently humiliating on the part of Great Britain, sufficiently advantageous on the part of America.

After dwelling for some time on the argument he had been now commenting on, Mr. Burke turned to the subject of resource. Enterprize and spirit, he observed, were good qualities in the field, but bad ones in the cabinet. Prudence and a calm review of the financial powers of a country, were the first objects of a satesman. It was a mad appeal to the passions of a people, whose resources were visibly decaying, that would carry them through where almost every thing depended upon the real sinews of war—men and money. He proceeded to shew, that we had exhausted thirty millions in the progress of the war hitherto; that we should have occasion for nine millions for the service of the ensuing year; and that we had already voted a land-tax of four shillings in the pound. He compared this with the financial situation of France, introducing the conduct of M. Neckar, and the words of the edict lately registered by the parliament of Paris; from which it was evident, that France, to put her navy on a respectable footing, only wanted 800,000*l.*, and that she could raise that sum with the greatest ease, and without imposing any new tax upon her subjects. He compared the different necessities of the two kingdoms, and the different objects of attention, in the eyes of each, giving France the credit and advantage greatly, both in point of

power and finance, and wisdom of application to her resources; deducing from his arguments on this point an inference, that by going on with the American war, we were actually endeavouring to invert the order of nature, to change France into an island, and to render Great Britain continental, by suffering the former to acquire a great naval strength, while we were establishing a large military force.

In the course of his speech, Mr. Burke entered into an ample investigation of the propriety of America joining with France, and contended, that in all ages and in all countries, it was perfectly natural for revolted subjects to form an alliance with that power known to be most inimical to the state, from whose supremacy they had withdrawn, and to whom the destruction of the interest of the former parent state was obviously a matter of desirable advantage; proving his arguments on this head, by enumerating from history a variety of instances in its support. He particularly mentioned the interference of Great Britain to preserve the Low Countries from falling into the hands of France, and to secure them to the House of Austria; and justified both France and America for their conduct in this respect, on the broad ground of policy; expressing his astonishment, that any set of men should be so weak as to talk either of the treachery of France or the ingratitude of America, when they considered that America took this step after she had been forced into independency; and that France acceded to it, when she saw that Great Britain had failed in her efforts to conquer the United States, and when she had such extensive and lucrative offers made her by the Americans, provided she would assist them in their endeavours to establish their independency. He concluded, with urging ministers to attack France formidably; to vote, if they could procure the men, a still larger number than that moved for by the right honourable member; but to employ them in any other service than against America.

The resolution was agreed to.

LIMITED SERVICE IN THE ARMY.

February 22. 1779.

ON the order of the day for going into a committee on the mutiny bill, Colonel Barré moved, "That it be an instruction to the said committee, that they have power to receive a clause or clauses, for limiting and ascertaining the time of service of such non-commissioned officers and soldiers as are already enlisted, and of such persons as shall hereafter be enlisted in the army." After the motion had been supported by Sir William Howe, Sir P. J. Clerke, and General Conway; and opposed by Mr. Jenkinson, secretary at war, and Colonel Stuart,

Mr. BURKE declared he was never more astonished in his life than he had been at the arguments brought against the present motion. The soldiery, it had been insisted upon, were not in a state of slavery. The question, in his opinion, would be to see whether they were in slavery or not, and if they were, to examine if it was necessary and expedient, for the good of the service, to keep them in that state. What he conceived of a slave was to be compelled to serve at the will of another for life. That he thought was a state of slavery. And was it necessary? Was it expedient? Not one single reason had been advanced in support of it; while, on the other hand, the limiting the servitude of a soldier was proved to be fraught with consequences the most beneficial to the army, as well as honourable to the constitution of this free country. One great use it would have, would be to prevent desertion, as no one would think it worth while to run the risk of losing his life, when he might have but a few years to continue in the army. For what was it that made the life of a soldier so terrible, but his being obliged to serve as such for ever? That "ever" was the dreadful word

that made him miserable. Even were we obliged to leave a friend for ever, should we not feel in the severest manner? That "ever" cut off all hope, which every one knew to be the balm of life. And surely the way in which a soldier—(honourable when not for ever)—lived, cut off from his fellow-creatures, ought to have a period. In every situation of life man had something to look forward to. How could the late secretary at war (Lord Barrington) have borne his situation, but that he had other objects in view to sweeten the fatigue of office, under which the noble lord had patiently struggled for twenty-five years, and through almost as many administrations. Even you, Sir, said Mr. Burke to the new secretary at war, (Mr. Jenkinson,) would never have suffered yourself to have been prevailed upon to succeed the noble lord, unless you were taught to look forward to that reward which soothes and exhilarates us under every trouble, and to expect that you should, like that noble lord, be enabled one day or other to retire with the fruits and comforts of your labour. Nay, even you, Sir, (addressing himself to the Speaker,) serve but for a term of years. Did you sit in that chair for life, it would be horrid to you. But some other place, Sir, awaits you after all your toils and difficulties in supporting the majesty of the Commons.

The House divided: Yeas 68: Noes 122. So it passed in the negative.

Mr. Fox's Motion on the State of the Navy, upon the Breaking out of the War with France.

March 8.

THIS day Mr. Fox, at the close of a speech of great length and ability, moved, "That it appears to this House, that

the State of the Navy, on the breaking out of the war with France, was very unequal to what this House and the nation were led to expect, as well from the declaration of his majesty's ministers, as from the great sums of money granted, and debts incurred, for that service, and inadequate to the exigencies of the various services for which it was the duty of his majesty's ministers to have provided at so important a crisis." The motion was opposed by Lords Mulgrave and North; and supported by Lord Howe, Admiral Keppel, Sir Horace Mann, Mr. Temple Luttrell, Mr. Grenville, Mr. Byng, and Mr. Burke.

Mr. Burke was severe upon the language of the noble lord in the blue ribbon, relative to the collective responsibility of ministers, and the individual irresponsibility of each, for matters transacted in his respective department; a language, he contended, equally new in that House and out of it; for it amounted, in fact, to an avowed irresponsibility, both individually and collectively. The chancellor, the secretaries of state, the first lord of the treasury or admiralty, according to this doctrine, might do or suffer any thing, without being amenable to parliament or the nation. If they are over-ruled in cabinet, says the noble lord, they cannot be responsible; if they are not over-ruled, neither can they be responsible: so that whatever any minister had done, or hereafter might do, he was by no means answerable for; because the evil or mischief transacted was transacted in the company of others. Who are those others? That no man can tell; the advisers of the crown are enjoined to secrecy. They may be the first movers or abettors of the greatest of all possible mischief, or any member of a committee or council may consent to be the instrument of carrying it into execution: but what of that? The instrument may perpetrate the mischief, though as one of the king's advisers he should disapprove of it, with impunity; if he is a mover in it, he is equally beyond the reach of public justice or parliamentary censure; because it cannot be deemed his act, but that of the majority of those to whom it is proposed. But who are the persons that compose this majority? That

is not to be told; somebody, or some persons, have committed the crime, but no man is to be questioned for it. The noble lord in the blue ribbon, in his usual pithy and humorous manner, related a saying of the late Sir Godfrey Kneller, that a thief was not to blame, but the person who left the thing stolen in his way, which operated as a temptation to him to commit the criminal act. He begged leave to tell another story, he hoped no less applicable. Two men with cloaks went to an eating-house, and one of them stole a piece of meat, and concealed it under his cloak: Oh, said the master to one of them, you are the thief, restore me my meat. No, says the thief, I am not, I give you leave to search, having previously shifted it to his companion. The latter being questioned in the same manner, returned it with equal dexterity to his colleague. So it was with the confidential servants of the crown, on the present occasion. If any of them is charged personally, it is not his act, but that of his brother advisers; and if the whole body is charged, another rises and answers for his share only, but leaves the nation to find out and search for the real authors; for the noble lord tells you, that every thing is determined by a majority not known, and whom no persons but themselves are permitted to know.

Mr. Burke then moved, that the speeches from the throne, from the 26th of October 1775 to the last delivered in November 1778, might be turned to, and that part of them respecting the disposition of foreign powers read; which being complied with, he observed, that they contained the most full and complete evidence of the public acts of ministers, contrasted with the real situation of public affairs. In them they had, particularly for the three last years, stated their apprehensions of the interference of foreign powers, accompanied with the fullest assurances of taking the most effectual steps for putting this country into a proper state of naval defence. They assured us, that France and Spain, so long as two years ago, were arming, and gave it as a reason for an increased naval establishment. Were they at the end of those two years equal to France and Spain

united, or even to France alone? On the opening of the last session, they again stated their apprehensions of the formidable naval armaments going on in the ports of Spain. Would the noble lord, or any one person in that House, rise and aver, that our navy was at this instant in a situation to contend with the united fleets of France and Spain? He was sure, confident as they were, they neither would, nor dared. Here, then, was the clearest evidence arising from parliamentary documents, and those of the highest nature, proceeding from the mouths of ministers themselves, that the state of the navy, in the terms of the motion, was unequal to what "the nation and that House were led to expect from the declarations of ministers." He would not go back either to the close of the year 1777, or to July 1778; but he would put the question fairly and roundly to ministers up to the present moment. Was the state of the navy, at this instant, supposing Spain should think proper to take a part in the quarrel, equal to those declarations which ministers had put into the mouth of their sovereign? Were we either superior to, or able to cope with, the united force of the whole house of Bourbon? Mr. Burke concluded with giving his cordial assent to the motion of his honourable friend.

At one o'clock the House divided on Mr. Fox's motion; Yeas 174: Noes 246.

STATE OF IRELAND.

March 12.

MR. POWNALL having this day moved for an account of the British imports from the West India islands for three years last past, Mr. T. Townshend begged the honourable member would withdraw his motion, as it would, if acceded to,

only be amusing the public with the expectation of something when nothing in reality was to be expected, Every thing, he said, was now lost in the influence of the minister. When a motion was agitated the other day for the relief of Ireland, the noble lord (North) thought fit to withdraw, but on another occasion — Mr. Fox's motion — the noble lord had sent his messengers into every part of the country for members to hasten to town, and attend their duty in parliament. He therefore hoped, that nothing farther would be attempted. It was only adding insult to the injuries of the people to pretend to do them any service, circumstanced as things were at present. Ireland had been too long amused, and it was cruel to buoy her up any longer with hopes of relief, when the most reasonable proposition that could be made for that purpose had been slighted. Upon the whole, he thought it his duty to bid administration be aware of Ireland, seeing that there wanted but little more to drive her to desperation, and to those fatal expedients for self-preservation that America had been compelled to resort to.— Lord North expressed his surprise, that the honourable member on every occasion made it a point to honour him with personal attacks. When he had through accident absented himself from the House when the Irish business was under consideration, he was accused of neglecting his duty, and of having sneaked away from the question, though his sentiments thereon were extremely well known. On the other hand, because he had been present at a popular motion, he was made the subject of blame and reproach for having influenced the House. With respect to Ireland, it was well known that he had been against relieving her distresses in the manner lately proposed. But was he an enemy to that country? Very far from it. He had frequently evinced his affection for her. Places in that kingdom, usually held by Englishmen, he had given to natives. The pension-list he had never thought of increasing, however strong the inducement; nor had he been inattentive the last session to her commercial interest. But as to serving her in the way that was suggested the other day, he always had and always should be strongly against it. Yet no one was more desirous than he was of doing something for her, and it indeed was his intention to put his design into execution by offering a plan infinitely more to her advantage, than allowing her to import her sugars immediately from the West India islands, which

could do Ireland no real good, while it would prove greatly disgusting to England. Mr. Pownall upon this withdrew his motion.

Mr. BURKE, with much warmth, declared he never thought the noble lord negligent in his parliamentary duty. The great Lord Chatham, than whom no minister was ever more vigilant in his office, never had attended parliament as he had done. Nor had any minister before acquired so great an influence. But had that influence been employed to any good purpose? If it had, it was an influence every one would wish to see encouraged; but it was procured and established for the sole purpose of subverting the freedom of that House, and the rights and interests of the people. The noble lord had talked much of personal invectives. What personal abuse had there been? Had he concerned himself with him any further than as to his public conduct? That was the only point he had touched upon. As to the noble lord's pretended affection for Ireland, how had he shewn it? There were places, indeed, on the Irish establishment formerly given to Englishmen that were now given to Irishmen; but why were not the pensions themselves taken away? What right, too, had the noble lord, in the name of common sense, to pretend to any care of Ireland? Were there not at this very moment 11,000 land-forces actually under arms in Ireland without any kind of subordination upon government, or any member thereof? Was this a fact or not? If it was a fact (and if it was not he desired he might be contradicted) how had the noble lord shewn a regard for Ireland, when she was so miserably supported by the state, as to be obliged to submit to have a body of 11,000 men in arms, neither in the pay or controul of that minister, who had boasted, with such effrontery, of the vast care he had taken of her? These were circumstances that called, indeed, upon the spirited interference of the House. Not that he blamed those soldiers. Both the officers and the men he was sure deserved every compliment that could be paid them. But was

it possible for that House to sit tamely under such a fact? For his part, he was determined not to sit down before he had sifted the matter to the bottom. With respect to the influence of the noble lord, if it produced any thing at all, it was one eternal scene of anarchy and confusion. But what, alas, was that compared with the anarchy that the noble lord had raised, throughout the whole continent of America? Even with the ministry themselves, what but anarchy and confusion was to be seen amongst them? To give the House a recent instance: the noble lord at the side of the noble lord in the blue ribbon (Lord Beauchamp) had taken a principal part, if *not the lead*, in the Irish business, but though both the noble lords were in administration, and sat together at the same board, yet was the noble lord opposed by the minister in his laudable endeavours in the cause of Ireland.

The Speaker now rose to inform Mr. Burke that he could not suffer him to proceed unless he had some motion to offer to the House. Mr. Burke thereupon proposed, "That an enquiry be made into the fact of there being 11,000 men now under arms in Ireland unknown to government." Lord North did not rise again, and the motion was withdrawn.

Mr. Dunning's Motion respecting the Power of the Board of Admiralty to grant or refuse Courts-Martial.

March 15.

THIS day Mr. Dunning, after a very able speech, moved, "That it is the duty of the lords commissioners of the admiralty, upon charges exhibited to them of naval offences, to direct, refuse, or delay the holding of courts-martial, as, upon consideration of the circumstances of the case, and a due exercise of a sound discretion, there shall be occasion." If this

resolution should meet the approbation of the House, as he doubted not it would, he gave notice, that he would follow it by another, which would bring the question into discussion relative to the good or bad conduct of the admiralty-board, in ordering Admiral Keppel to be tried on an accusation made by Sir Hugh Palliser. That board would then have a full opportunity of vindicating their conduct in the face of the nation, and declaring fairly and openly whether they acted through ignorance or design. He then read his second motion, which was, "That the conduct of the lords commissioners of the admiralty, on the 9th of December last, in coming to an immediate resolution to direct a court-martial for the trial of the honourable Admiral Keppel, commander-in-chief of a fleet of his majesty's ships of war, (on a charge exhibited against him on that day by Vice-Admiral Sir Hugh Palliser, a member of that board,) was, as far as it proceeded upon the ground of a supposed want of discretionary power to refuse or delay that direction, unwarranted by the letter or spirit of the said act of parliament, contrary to the antecedent practice of the Admiralty, and would, if admitted, establish a principle injurious to the service, and detrimental to the state; and that the measure is, upon any other ground, indefensible, under the actual circumstances of the case." After the motion had been supported by Lord Howe and Mr. Thomas Townshend; and opposed by Lord Mulgrave, Mr. Hans Stanley, and Mr. Attorney-General Wedderburn,

Mr. BURKE rose. He was severe on the reasoning of the learned attorney-general. He approved much of his candour and explicit conduct, in reprobating the absurd ideas of his friends, which he had so warmly espoused before Christmas; and lamented that he had not pushed both a little further, and applied them fully on the present occasion. The honourable and learned gentleman, he said, had given up two points without reserve. He acknowledged, that the present board of admiralty possessed every substantial power enjoyed by their predecessors since early in the reign of Charles II., and that the powers so possessed amounted to discretionary powers; but, says the learned gentleman, though a discretion is lodged in the board, they

must not be told that they have it, particularly by this House. When the power is spoken of at first, it is extremely necessary to deny its existence, with a reserve, however, of acknowledging it hereafter, when it can be no longer defended. But attend to the manner and further purpose of this concession: it is acknowledged, that this power exists, but sooner than resolve one way or the other, the honourable and learned gentleman has proposed the previous question. By this means, as well in form as effect, the honourable and learned gentleman, the first law-officer of the crown, tells you, that the admiralty-board were merely ministerial; he tells you now, that he retained a reserve within his own breast of recanting his first opinion, and thereby retaining his credit and integrity. Well, what is the effect of all this? He divides his discourse into three parts; in the first he states the discretion contended for on this side of the House; in the next, that it does not partake of the discretion exercised by grand juries and the court of king's bench, in granting or withholding informations; and, thirdly, because it is not such a species of discretion, and because it is limited, it amounts to no discretion at all. Thus, whether the discretion exists or does not exist, forms no part of the question; for if it does, it arises not from "the circumstances of the case;" and if it does not exist precisely in that manner, it cannot be exercised.

The learned gentleman continues but a very short time of the same opinion; for, after labouring a great deal to prove that the discretion contended for on this side of the House bears no resemblance to any other species of legal discretion whatever, he spends above half an hour in argument to prove, that though the admiralty-board had a discretionary power, they could not properly exercise it, according to the "circumstances of the case;" the very words in the motion with which he has quarrelled, and his motives for withholding his assent, and getting rid of the motion by the previous question. The vice-admiral was an officer of high rank in the service, of great reputation in his profession, possessing considerable posts and emoluments under government, the loss of which he hazarded on

the truth or falsehood of the accusation preferred by him against his superior officer. Now, by any rule of common sense or deduction, what are all these but the circumstances of the case? Did not the board deliberate and determine upon those circumstances? If they did, then the learned gentleman's ground of objection falls instantly; if they did not, they acted ignorantly and criminally in not exercising that discretion which the law had vested in them.

The learned gentleman finding himself bewildered, however, in endless mazes of intricacy and contradiction, has recourse to a most curious and novel mixture of fact, supposition, and argument. He takes it for granted that Sir Edward Hughes, now destined for the East Indies, should the House come to the proposed vote, will unfortunately go out possessed with the preposterous idea, that he is justified by this vote to exercise a broad discretion. What next? Why, as soon as Sir Edward passes the line, so fate hath decreed it, he will take up some great law authority to peruse, and having perused it, he will then and there find contained in the said law-book, that discretion is the law of tyrants. What then is the conclusion? That Sir Edward will not know in the world what to do. If he disobeys the vote of this House, he will be guilty of a breach of privilege, or at least a breach of duty: if he does not disobey it, then comes his conscience accusing him, reminding him that he has preferred discretion, the tyrant's law. So that if he does not act discretionally, which the law impowers him to do; or if he acts merely ministerially, which the law forbids him to do, according to the concessions of the learned gentleman himself, Sir Edward is sure to remain in doubt and uncertainty, and when he is acting perfectly right, according to his own judgment and opinion, he must be persuaded he is acting perfectly wrong, and contrary to his conscience.

He was willing, however, not to shock the learned gentleman's understanding, by tracing an analogy between the proceedings of the admiralty-board and our courts of criminal and common law. He would acknowledge, that the board had no right to examine witnesses *ex parte* upon

oath, like a grand jury; nor to receive written testimonies upon oath, like the court of king's bench, previous to the granting or refusing an information. But as the learned gentleman had described the board, stating the probabilities which determined their conduct on one side, why not suppose that they ought to have informed themselves as much as they could on the other; and after putting them in opposite scales, determine fairly in favour of the weightiest? Why not take the long and able services of the commander-in-chief as the basis to plead on, as well as the services of Sir Hugh Palliser? Why not consult the vice-admiral of the red, Sir John Lindsay, Sir John Lockhart Ross, and the captains La Forey Walsingham, Gower, &c.? If the board could not examine them upon oath, they might confer with them as officers, and consult them as gentlemen and men of honour. If what those gentlemen would have said could not be received as evidence, it might well be opposed to an accusation not given in upon oath. The opinions of such men, had they been desired, might well meet the opinion of Sir Hugh Palliser, for his accusation was no more. He was not bound to prove in any other manner but by the oaths of other men: so that, take it in any sense, if the opinions of those gentlemen already mentioned had contradicted that of the vice-admiral of the blue, it would have been no more than weighing opinion against opinion.

He observed, that the noble lord who opposed the motion, had with his usual ability contended, that a vote of the House of Commons declaring the law was not law, nor binding upon the courts in Westminster-hall. He agreed with him most heartily; but he trusted that a vote of the House of Commons did not render what was before legal illegal. If it did not, then the observation went for nothing. But the question of law was already given up, by the noble lord's learned friend who spoke last; therefore, a vote of the House of Commons, declaring what the law was, when it went to declare what the law was acknowledged to be, was not usurping the whole legislative pow r

into their own hands, but a mere opinion, that the legislature had declared the law to be such as stated in the vote.

The noble lord's sentiments in the course of his speech brought a very remarkable circumstance fresh into his mind, which proved that his lordship once entertained a very different opinion. His lordship moved a proposition in that house some years since *, and maintained the propriety of it in a very able manner, in which it was asserted, that one of the ordinary functions of the first law-officer of the crown, was contrary to law, and the fundamental privileges of the people under the constitution; it seemed, however, that the noble lord exerted himself in this spirited attempt to no purpose; for if it had been carried by a vote of the House of Commons, it would have availed nothing, it would have been disregarded by the judges in Westminster-hall, which was not the language held by him on that occasion, and which he would not have treated as an extra-judicial opinion, that no man was obliged to take notice of or obey, because it had not the sanction of the other two branches of the legislature.

After some farther allusions on the former and present conduct of the noble lord, he again resumed his observations on the arguments of the learned gentleman who spoke last, which he held up in a variety of strong lights, as involving a series of absurdity and contradiction. He concluded with recommending the House to come to the vote desired, as the only means of removing that contrariety of opinion every person on the opposite bench held with himself, and every individual who spoke held with the speaker who preceded him.

The previous question being put on Mr. Dunning's first motion, the House divided: Yeas 135: Noes 228. So it passed

* Alluding to Captain Phipps's motion on the 27th November 1770, respecting the power of the attorney-general to file informations ex-officio. See p. 59.

in the negative. The second motion was negatived in like manner, by 218 to 121.

Enquiry into the Conduct of the American War.

May 13.

From the unexpected latitude which the examination of witnesses, in the committee on the conduct of the American war had assumed, the ministry found themselves under the necessity of appealing to counter-evidence to disprove some of the statements. Accordingly, Mr. De Grey moved this day for a summons directing the attendance of ten witnesses.

Mr. Burke condemned this mode of proceeding as irregular and unfair. He remarked, that there were several precedent stages of the business in which such a proposition would have come with great propriety, if it had been accompanied with a fair, honest avowal, of the intention of proving the misconduct of the honourable general (Sir William Howe); but while ministers affected in the most warm terms to applaud his military conduct, they were now, by a side wind, in a late stage of the examination, preparing to defeat and invalidate evidence which they asserted they believed.

Mr. Dundas said, this was the most extraordinary language he ever heard, considering the honourable gentleman from whom it came. The honourable commander moves for an enquiry into his conduct, and produces evidence at the bar in his own justification. Ministers oppose the enquiry in the beginning; but very properly acquiesce in the sentiments of the House, contrary to their own judgment. This *ex parte* evidence is received; and now, when ministers wish to have full and impartial information, an honourable gentleman, who all along professed the most earnest desire for full and impartial information, is the very person who sets his face against it.

Mr. Burke said, he had for some time past always attended to what fell from the learned gentleman with great pleasure; because it had the same effect upon him, as if in a camp, he heard the report of a gun fired — it called him to his quarters, and warned him of the approach of the enemy. Ministers were obliged to the learned gentleman, who, especially when another learned gentleman, the attorney-general, was absent, answered the end of a courier, and announced the real intentions of his friends high in office. The gun was fired; the courier was arrived; the mask was drawn aside; and the learned gentleman had in part revealed intentions that would, a few days ago, have been disavowed in the most open and direct terms. He thought that this was fair and honourable war, if the mode of making it had been earlier adopted. But what was the truth of the transaction? Witnesses had been summoned to attend before the Easter recess; the committee had already sat three weeks, and now, in almost the very last stage of the business, so far as the commander-in-chief was concerned, without previous notice or communication, ministers for the first time signified an intimation of calling other witnesses, in order to disprove the evidence delivered at the bar.

Mr. Welbore Ellis could not help expressing his astonishment at the inconsistent conduct of the honourable gentleman. A few days had only intervened since the honourable gentleman was loud in his demands for a general enquiry, and that evidence of every kind should be produced; yet now, on the appearance of a desire in ministers to vindicate their conduct, the very same gentleman was the first to complain.

Mr. Burke replied, that the right honourable gentleman misunderstood, he would not say misrepresented him: because he knew his candour and correctness in debate too well to impute to him any such intention. He agreed entirely in the principle laid down by the right honourable gentleman, that enquiries, if they were instituted for any

good or honest purpose, ought to be free, general, and impartial; but it was not the principle he found fault with, but the manner in which it was pursued. Why not summon witnesses in some precedent stage, and not now, as it were at the very tail of the business, take the honourable commander by surprise? Why not give notice before the recess? Why not after the examination of Lord Cornwallis and of General Gray? And lastly, why not after the evidence given by Sir Andrew Hammond, and Major Montresor? No; ministers, conscious of their incapacity and criminal neglect in conducting the American war, endeavoured to stifle all enquiry; but when they found, complacent as that House was, and prompt as it had often been in its obedience to the mandate of the possessors of power, that there were some requests which bore the marks of guilt and insolence on the very face of them, they instantly changed their plan. We fight best, said they, after a defeat. We have given repeated assurances to the general, that we think his conduct highly meritorious. We led him to believe, that no step would be taken on our part; and under that idea we know his evidence is nearly closed, and we will now call witnesses to the bar, to controvert every syllable that has been said there.

Lord George Germain declared he had no disposition to accuse General Howe; he principally desired evidence to disprove the statement that America was almost unanimous in resisting the claims of Great Britain.

Mr. BURKE condemned the calling American refugees and custom-house officers to the bar of that House, in order to impeach and controvert the evidence of men of high rank in their profession, and to prove the temper and disposition of the people of America, to support the legislative rights of this country over that. Was not the dependency of America already given up? Were not acts for that purpose recorded in the statutes on the table? Were not commissioners sent out, to offer a surrender of every claim

but what immediately related to the power and patronage of the crown? What, then, could the constitutional rights be, which the loyal part of the people of America contended for? Not for the supreme right of parliament, that had been given up: not for a revenue that had been long since abandoned; not for any political legislative connection, for that had been already negociated away by the commissioners, who acted under the conciliatory acts of last session, and that too in the very teeth of the spirit and letter of those acts. For what then?—to shew that a corps of mercenaries, who would fight under any banner, or in any cause; a few refugees, pensioned and supported by government, and a set of custom-house officers, whose very existence depended upon the profits of their places and emoluments, will prove — what? that men coming within those respective descriptions will give evidence of the sentiments respectively entertained by them, of the duty, loyalty, and constitutional sentiments of each other.

Mr. Burke said, he did not wish to insinuate that there might not be several respectable individuals, who were zealous in support of the legislative rights of this country; but the true test now and at every former period was this, and this only; — were they sufficiently numerous, and able to maintain the king's government against the usurped powers, supposing that it had been restored by a superior force from this country? If not, what availed this warmth and profusion of words? Any thing short of such disposition and ability united, signified just nothing; for it amounted plainly to this, that Great Britain was at the expence of fifteen or eighteen millions a year, to wage a perpetual war with a clear decided majority of the people of America; and if we should subdue them in the end, that we must either consent to keep up a war-establishment, to maintain the superiority so dearly purchased, or have our loyal subjects there liable to similar oppressions to those which we had put ourselves to so enormous an expence to free them from. Was the war with America to be continued, without the least probability of success? Or, if

attended with success, what were we to fight for? for the power of the crown, not for the rights of parliament. But he begged the noble lord's pardon: perhaps every promise or offer was to be withdrawn, and we were again to contend for "unconditional submission." The noble lord, in a former debate, gave an opinion to that purport. Whence, then, would his aid be drawn? not from the loyal inhabitants of America, for they abhorred the idea. He doubted much, if many of those who composed the provincial corps, would draw their sword in such a cause. The best affected in that event would soon become disaffected; even the refugees and pensioners would be staggered; he meant such as were so from principle; and the whole work would be to begin again. This country, at 3,000 miles distance, at war with France, and probably on the eve of one with other powers, would be committed, in an additional contest, with America united. So that the whole of the noble lord's argument presented the following alternative: with a part of the American loyalists we continue the war in support of the patronage of the crown; or contend for unconditional submission with the whole united force of North America.

Mr. Burke concluded, with begging leave to put in his claim, that when the evidence was finished, ministers should not be permitted to shield themselves under a pretence of its being defective, on account of the absence of material witnesses; the defect must be felt equally by both sides. Ministers, by calling other witnesses, had committed themselves without reserve; he hoped, therefore, that neither the House nor the committee would pay the least attention to so flimsy a pretext, should it hereafter be urged as a plea for the justification of their conduct.

Mr. De Grey's motion was agreed to.

The Budget for the Year 1779.

May 31.

THE House being in a committee of ways and means, Lord North opened the budget for the year 1779. After the statements and calculations of the noble lord had been examined and controverted by Mr. Hartley,

Mr. Burke rose. He said, the public lay under great obligations to the honourable gentleman who had just sat down, as well on the present as on many former occasions. His details were always important and correct, and well worthy the attention of the noble lord in the blue ribbon. The honourable gentleman had truly stated, that the expence of the campaign of 1779 would be little short of the enormous sum of twenty millions, including the navy debt, vote of credit and services; which, from the manner they were necessarily incurred, could not be regularly passed in account within the year. He had stated the unfunded debt only at sixteen millions, which he thought was considerably lower than it might be justly computed. He differed from the honourable gentleman in matters of computation and finance, but was convinced, if the war was to cease the instant he was speaking, that a tail of ten additional million of unfunded debt — which, with the eleven already stated by his honourable friend, would make in the whole twenty-one millions of unfunded debt — would remain behind. The debt already funded bore an interest of nearly a million a year; this unfunded debt, when funded, would add to the interest paid to the public creditors about another million; so that the first face the American war at this stage of the business presented to the people of England, was, a mortgage on their lands, moveables, trade, and commerce, in perpetuity, of two millions a year, America lost, not a shilling to balance

this unparalleled loss, and an unsupportable burthen in return.

The noble lord, if he could judge from his language, whatever his secret feelings might be, kept up his countenance tolerably well, and seemed to be already preparing for another American campaign. Says the noble lord, "the sinking fund will be more productive this year than it was the last: the house and servants' tax will come to its aid; and, instead of being a burden, as they have been to the amount of 700,000*l.* this year, they will considerably augment its receipt in the next." Says the noble lord, "a sum of money is expected the next year from the East India Company; and *in consideration* of the territorial revenues, an annual supply will be expected by way of equivalent; and in a year or two, on the ceasing of some determinable annuities for years, the sinking fund will be further augmented to the amount of 200,000*l. per annum.*" For the present, I shall consider these golden promises in no other light than as stimulatives to induce this House and the nation to a farther prosecution of the American war. You hear no more of raising the supplies within the year, but you are told of the increasing state of the sinking fund, and of a standing, fixed East India revenue, in which one supposition, perhaps impossible, is followed by another supposition, perhaps more impossible. The first is, the supposed flourishing state of the sinking fund, and the certainty of obtaining a settled revenue from India; the second is, whether those resources, if real, can or will present such a security to the money-lenders, the next year, as they will be willing to advance their money upon: but of this more hereafter.

The noble lord is preparing for another American campaign; that is the main object of my rising. He gave us to understand, early in the session, that it was his intention to do so; that the present was to be carried on upon a moderate scale; that it was to be moderately fed; but that from the disposition of the people of America to return to their former state of obedience, and from the inability

of the congress to support their usurped dominion, the loyalty of the majority of the people, and the vigorous, unanimous exertions of this country, the fate of America would be determined in the year 1780. This was the substance of what fell in several conversations upon this subject. If I have mis-stated the noble lord's sentiments, he will rise and set me right: if not, I shall take it for granted; and his financial discourse this day confirms to me, that I neither misunderstood, nor have misrepresented him. Here, then, is another ten million to be added to our burthens, and an annual interest of half a million to be paid in perpetuity. If this, however, is certain loss, let us look forward to the probable gain. Nothing! America is lost; and all we have to balance against this risk and loss is, a war with France, Spain, and America. I shall beg leave to assign my reasons.

We have been sitting in this House, twice a week, till midnight, in examining officers upon the probability of success in the American war. We have been informed, that the people in general are hostile to us; that the face of the country, at almost every mile's distance, presents a native fortress; that the rebels are well disciplined; that they are the most dexterous in the world at raising field works and sudden defences; that, from the nature of the country, it is next to impossible to obtain intelligence; that the country in general is intersected by broad, deep, and rapid rivers; abounds in creeks, and is covered with woods and morasses. In short, that a successful war is totally impracticable, with any force or assistance we could be able to procure and send. This is not the language of declamation, of hearsay, or conjecture; the two generals who commanded there, hold it; every officer of rank who served under them confirm it. What, then, is the next consideration? Most assuredly — if we cannot recover America, or if even the probabilities were balanced, that it would be a most hazardous experiment — to determine on the properest mode of relinquishing the attempt.

In the face of all these difficulties, however, the noble

lord appears determined to risk another campaign. The difficulties seem as nothing in his contemplation. The House and nation is with him, and all he looks for or attends to is the means. I recollect well when the noble lord said, on the first budget day, the American war must be "moderately fed," the House resounded with hear hims! while twenty fat contractors cried out with one voice, some in hoarser, some in more sonorous accents, "feed! feed! feed!" This deluded country was to be bled to death — to be plundered to the last shilling. What cared the contractors? Like so many ravens and birds of prey, they wished only to suck her inmost vitals, to feast on her entrails, and finally glut their all-devouring maws on her lifeless cadaver.

But to return to the means pointed out by the noble lord for carrying on this ruinous war: an increase of the sinking fund, 200,000*l.* a year determinable annuities, and a permanent annual East India revenue. The noble lord knows that the sinking fund will not answer what it is already charged with; he knows that the surcharge of the customs and excise, the post-horse tax, and that upon stamps, cannot, from the nature of collecting them, be brought into the receipt of the exchequer by the end of the Christmas quarter. As he is sensible of all this, he must of course know, that instead of an increase of the sinking fund, there must be a decrease to the amount nearly of the interest of the whole loan of the present year — a sum of upwards of 400,000*l.* So much for his lordship's expectations from that quarter. As to the determinable annuities, which will fall in 1781 and 1782, surely the noble lord does not mean to be serious, when he states them as part of the ways and means for the year 1780.

The India Company, however, in the noble lord's opinion, holds out something more certain, and of greater magnitude; a fixed revenue to be obtained will be a good security. Here the same objection holds to this resource as to that of the sinking-fund. Supposing the terms fixed, and the act passed, and the revenue certain, can the money be remitted,

or investments made time enough for the payment of the interest growing due in 1780? Impossible: but in my opinion the plan of a settled regular revenue is totally impracticable; and I dare say the noble lord will be convinced of this melancholy truth, when he comes to negociate with the money-lenders; they will not trust to so precarious a security. The truth is, our territories in the East Indies are able to render certain advantages in commerce and military strength, to this country, and no more. We tried the experiment once before, and were at last obliged to forego an ideal revenue of 400,000*l.* per annum; but not until the Company became bankrupts, and were obliged to apply to this House for aid. The great military establishment kept up in that country has swallowed up all the land revenue; and all the real advantage we can ever expect to reap from it, is in the way of trade, and the increase of private property spent within the kingdom, and the power and the weight and the preference it has given to us in that quarter of the globe, over Holland, France, Spain, and all the other European powers who possess any territories there. The Company will be able to defend their own possessions, and annoy our enemies there, and of course will add to the aggregate strength and dignity of the British empire; but, I fear, if our East India possessions are to come under the patronage of the crown, and are to be governed as a military province, that they will follow the fate of our dominions in the West, and will finally be wrested from this country. I do not mean, however, to disapprove of, or controvert the controuling power and guardianship of this House. Let this House and the parliament be the medium of controul; but I hope I shall never behold it ingrafted or vested in the executive power of this country. Waving, however, every more remote consideration, so far as a fixed revenue may be applicable to the immediate relief of this country, to enable us to raise the supplies with greater facility, and upon better terms, I believe it is clearly demonstrable, that it can answer no such purpose for the ensuing year.

If, then, the American war is impracticable, I think I have proved that the noble lord's means are no less so, which clearly amount to this, that the annuities payable on the loan of the next year must be paid by additional burthens to be laid upon the people, and that the additional burthens thus to be laid, falling probably short of the sums they will be taken for, as in the three preceding years, must be drawn from the sinking fund, which will be an anticipation of the greatest part of its produce. Whether national aids procured in such a manner, and upon such terms, to carry on a war impracticable and destructive in its nature, would be a wise measure, I leave this House and the noble lord to determine.

But I had an additional reason for rising on the present occasion, equally strong with any of the foregoing — to shew the folly and madness of prosecuting the American war; and it is connected with what fell from my honourable friend who spoke before me. My honourable friend says, that he has strong reason to believe, that America would at present be willing to treat upon amicable terms with this country, if we desisted from farther hostility, as they begin to see into the designs of France, and that Spain continues and is determined to preserve a neutrality. My honourable friend, with his usual ability and zeal, has followed this information by earnestly pressing the noble lord to make some proposition to parliament, tending to a full reconciliation with the colonies, because, said he, if from any accident Spain should depart from her neutrality and be drawn in as a principal in the war, America will refuse to treat upon any terms. To strengthen this argument, my honourable friend has stated the very formidable naval force of Spain, to shew that we should be over-matched by such an union of power as France, Spain, and America. I differ in part from my honourable friend, both in his facts and conclusions. I have strong doubts that America would not treat, because the condition precedent, that they would not, has already actually actually taken place, for Spain is no longer a neutral or mediating power; all neutrality and

mediation is over, and that within a few days. The treaty has been determined very recently, within less than a week, perhaps five days. I agree with my honourable friend, that Spain, as she is now actually leagued with France, will turn the scale against us; but I do not despond, could we get rid of the American war. We often contended with those powers, and vanquished them on our proper element, the ocean; and I trust still, if we are united, our counsels wisely and vigorously conducted, and the spirit of the nation called forth, that we are able to resist their utmost efforts. If the confidence of the people was restored; if a dangerous court system was broken; if the influence of the crown was regulated and limited within its constitutional bounds, we should have no reason to despair; but the instant is critical; the moment must be seized; recall your troops from America; if she will not treat upon a political connection, as soon as she perceives the house of Bourbon leagued for our total destruction, she will desist from all enmity, and forget all former injuries; she will feel all the emotions of a child for the miseries of a harsh or misled parent; but even were she to observe a neutrality, I would not despair but we should prevail in the contest. She must at once perceive that it is no longer a struggle for her liberties, but a plan concerted between our natural enemies, to erect schemes of ambition and endless destruction on the ruins of her once kind and indulgent parent.

I repeat once more, that all negociation is at an end, that Spain is openly leagued with France. The noble lord knows it. I call upon him to contradict me; if he does not, I shall take it for granted. If so, then I earnestly implore the noble lord not to lose a moment's time, but instantly to seize an occasion which the interval of a very few days may place for ever beyond his reach. The fate of the empire, the existence of this country, depend upon celerity, vigour, and union in this very important concern.

I have but one word more to add. My honourable friend has stated the naval force of Spain, I believe, very correctly; for I have a list in my hand which confirms it.

At present we are superior to France in the ocean and the West Indies, and I believe in the East. We are inferior only in the Mediterranean, where, most certainly, our two important fortresses are at the mercy of the house of Bourbon: and for this single reason, if for no other, that we cannot at present send a single officer or man there, unless we can be happy enough to smuggle him in a rum puncheon or brandy cask. But Spain, says my honourable friend, with forty or forty-eight ships of the line in Europe, will give to the house of Bourbon a decided majority — granted; and that, in its probable consequences, urges me to press the matter more seriously on the noble lord in the blue ribbon; because, if the empire of the sea once leaves us, our distant dependencies must follow of course. It is true the East Indies is able to defend itself, so is the West; but no longer than we shall maintain the empire of the sea. If the house of Bourbon have a superiority in the European seas, that superiority will soon extend itself to the East and West Indies, because, having it in their power to cut off all supplies of men, ordnance, &c. those places must necessarily submit in time, be their local strength ever so equal. Dispatch is therefore the only thing that can save us from impending ruin, and the intention of pressing it forcibly upon the noble lord was the cause of my giving the committee so much trouble. — Mr. Burke concluded with a few words on the critical and dangerous state of Ireland.

The Resolutions moved by Lord North were agreed to.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.*

November 25.

THIS day the king opened the session with the following Speech from the throne:

"My lords and gentlemen; I meet you in parliament at a time when we are called upon by every principle of duty, and every considertion of interest, to exert our united efforts in the support and defence of our country, attacked by an unjust and unprovoked war, and contending with one of the most dangerous confederacies that ever was formed against the crown and people of Great Britain. — The designs and attempts of our enemies to invade this kingdom, have, by the blessing of Providence, been hitherto frustrated and disappointed. They still menace us with great armaments and preparations; but we are, I trust, on our part, well prepared to meet every attack, and to repel every insult. I know the character of my brave people: the menaces of their enemies, and the approach of danger, have no other effect on their minds, but to animate their courage, and to call forth that national spirit, which has so often checked, and defeated, the projects of ambition and injustice, and enabled the British fleets and armies to protect their own country, to vindicate their own rights, and at the same to uphold, and preserve, the liberties of Europe, from the restless and encroaching power of the house of Bourbon. — In the midst of

* A few days previous to the meeting of parliament, Earl Gower, lord president of the council, resigned that high office, and was succeeded by Earl Bathurst. Lord Weymouth likewise resigned his office of secretary of state for the southern department, and was succeeded by the Earl of Hillsborough. Lord Stormont, late ambassador at Paris, was appointed to the northern department; the business of which had been conducted by Lord Weymouth, since the death of the Earl of Suffolk. And the old place of first lord of trade and plantations, which had been absorbed and included in the new office of secretary of state for the colonies, was now separated, and bestowed upon the Earl of Carlisle.

my care and solicitude for the safety and welfare of this country, I have not been inattentive to the state of my loyal and faithful kingdom of Ireland. I have, in consequence of your addresses, presented to me in the last session, ordered such papers to be collected and laid before you, as may assist your deliberations on this important business; and I recommend it to you to consider what further benefits and advantages may be extended to that kingdom, by such regulations, and such methods, as may most effectually promote the common strength, wealth, and interests of all my dominions.

"Gentlemen of the House of Commons; the proper estimate shall, in due time, be laid before you. I see, with extreme concern, that the necessary establishments of my naval and military forces, and the various services and operations of the ensuing year, must inevitably be attended with great and heavy expences; but I rely on your wisdom and public spirit, for such supplies as the circumstances and exigencies of our affairs shall be found to require.

"My lords and gentlemen; I have great satisfaction in renewing the assurances of my entire approbation of the good conduct and discipline of the militia, and of their steady perseverance in their duty; and I return my cordial thanks to all ranks of my loyal subjects who have stood forth in this arduous conjuncture, and, by their zeal, their influence, and their personal service, have given confidence as well as strength to the national defence. Trusting in the Divine Providence, and in the justice of my cause, I am firmly resolved to prosecute the war with vigour, and to make every exertion in order to compel our enemies to listen to equitable terms of peace and accommodation."

An address in approbation of the speech being moved by Lord Lewisham, and seconded by Lord Parker, the following amendment was moved by Lord John Cavendish: viz. "To beseech his majesty to reflect upon the extent of territory, the power, the opulence, the reputation abroad, and the concord at home, which distinguished the opening of his majesty's reign, and marked it as the most splendid and happy period in the history of this nation: and, when he shall have turned his eyes on the endangered, impoverished, distracted, and even dismembered state of the whole: after all the grants of successive parliaments, liberal to profusion, and trusting to the very utmost

extent of rational confidence, his majesty will expect to receive the honest opinion of a faithful and affectionate parliament, who should think they betrayed his majesty, and those they represent, if they did not distinctly state to his majesty, in words, what the world has seen in most calamitous and disgraceful effects; that if any thing can prevent the consummation of public ruin, it can only be new councils and new counsellors, without further loss of time, a real change, from a sincere conviction of past errors, and not a mere palliation, which must prove fruitless." The amendment was supported by Mr. Hartley, Mr. James Grenville, Mr. Thomas Townshend, Admiral Keppel, Mr. Fox, Mr. Burke, and Mr. Temple Luttrell; and opposed by Mr. William Adam, Lord North, Mr. Jenkinson, the Attorney General, and Mr. Dundas, the Lord Advocate of Scotland.

Mr. BURKE rose to speak, but finding a great difficulty in making himself heard in the distant parts of the House, on account of a violent cold and hoarseness, he sat down once or twice, and would have declined speaking, had he not been pressingly solicited by the unanimous sense of the House to proceed.

He first observed, on the speech of the learned gentleman who spoke last, that if he meant any thing by the distinction which he had taken between the two propositions, or by the reasons which he had assigned for adopting the one and rejecting the other, his meaning must amount to this: There are two propositions before me; one of them means nothing, the other means something; that which means something I will reject, and I will vote only for that which means nothing. To prove the truth of this deduction, from the learned gentleman's premises and conclusions, and the fair interpretation of the argument which he endeavoured to maintain, the learned gentleman himself, said Mr. Burke, shall be the author of his own conviction. Hear his words:—"Here is a proposition, in which both sides of the House agree." Now, it is mathematically demonstrable, that the two parties diametrically opposite, as the learned gentleman himself shrewdly observed, can never agree upon the terms of a proposition, applicable and growing out of the subject of disagreement subsisting be-

tween them, which means any thing. It was, therefore, fair for him to conclude, that the proposition which met so hearty an approbation from the learned gentleman had no meaning at all, and was in fact a *purum nihil.* The reasons assigned by him for rejecting the amendment, were no less extraordinary than his motives for adopting the address.

The learned gentleman voted for one, because it had no meaning in it; and against the other, because he was totally ignorant of what it meant. After the very unreserved avowal which the learned gentleman had made relative to the measures of administration, and which unbounded ignorance was the only apology he had to offer for not voting for the amendment, it must certainly be admitted by every man, who had enjoyed the pleasure of hearing his extraordinary mode of ministerial defence, that he was well qualified and a most able defender of such an administration. It was certainly an unquestionable proof of his courage, that he ventured to appear in the House, when an endangered ministry, encompassed with so many perils, with such unanswerable arguments as those of total ignorance, and on that dreadful and perilous day too, the first day of the session, which he had sagaciously remarked, though he could not pretend to say whence he drew his information, was likely to prove so fatal to the minister. Such an advocate was worthy of such a cause, and afforded a very striking instance of the blind leading the blind!

Ignorance, instead of a proper ground of defence, was the crime of administration, and its still, if possible, more ignorant defenders and retainers. The House was then debating upon the propriety of demanding from the throne, as a matter of necessity, the removal of ministers, of his majesty's counsellors; he therefore desired to know whether disability could furnish a better ground than the noble lord in the blue ribbon himself had unwarily afforded, when, after the long notice the noble lord had received from that House, and the alarming motives which he had for an enquiry into the state and condition of Ireland, and for

considering of a proper and adequate relief for those wants, the noble lord came into the House that morning, and in the course of the evening, openly confessed that he was equally ignorant of the disorder and the cure. Could there be a better reason urged by the most inveterate enemy, for the dismission of a minister, than such a confession? a confession, indeed, which required no comment, and carried conviction on the very face of it. Could the House, after such a confession, hesitate a moment to vote an address for his immediate removal.

His honourable friend (Mr. Fox) had expressed himself so copiously and so much to the purpose, upon the misconduct of ministry in every respect *, and in every department of government, and he was so little able, from his hoarseness, to enter diffusively into a consideration or review of the same subjects, that he would postpone many observations to another day; but he could not avoid repeating after his honourable friend, that however the noble lord at the head of the treasury might pretend to disunite the business of the American war, from the present state of Ireland, and the temper and disposition of the people there, the noble lord would find the mad, cruel, and accursed American war, written in the most legible characters, in every single cause, circumstance, and step which had contributed to call forth the spirit, the resentments, and resolution of the Irish nation, whether already in actual existence, or in embryo, ready to burst forth with tenfold mischief, or in a storm strike this nation, and shake it to its deepest foundations.

The affairs of that country were indeed arrived at a very critical period; the situation was tremendous, so far as it might in its consequences, immediate or remote, affect the seat of empire. So far were the Irish from expecting any adequate relief from the minister, that they imputed, and in his opinion very justly imputed, a considerable share of their present calamities to his misconduct. It was

* See Fox's Speeches, vol. i. p. 203.

true that the noble lord had often rung the changes on his attention to their wants and wishes; but instructed by experience, they had been at length taught from the repeated promises and delusive hopes held out by him, which were broke as often as they were made, or vanished in unsubstantial air, not to have the least confidence in a single assurance he gave them. They saw clearly into the duplicity of his conduct, and they were convinced of it beyond a possibility of doubt, in the course of the last session, when a few very small favours were asked for them in the moment of calamitous distress. Part, and but a very small part of them, were granted; the rest, he had good reason to believe, would have also been granted, notwithstanding the petty, peevish opposition of a few individuals; but the noble lord who at first pretended to wish the measure success, in hopes of keeping upon good terms with the people of Ireland, whilst the odium of refusal should fall upon parliament, finding by the temper of the House, that the other bills were likely to pass, came forward and taking off the mask, threw them out by his own majority. After so deceptious and uncandid a conduct, what confidence could the noble lord expect from the people of Ireland? or what could Ireland expect from the noble lord's generosity? The Irish were put off till the present session for relief. In the mean time, their expectations increasing in proportion to their wants and distresses, and their spirits rising in proportion to their injuries, what would have been received as a favour, was now demanded as a right. Disappointment irritated them, and precipitated their passions; and the consequence was such as might be reasonably expected. The whole country was in a ferment. The effects of this treatment spread itself every where, and through all classes and descriptions of men; it indeed might be asserted, without figure or exaggeration, that there was not a second opinion entertained, from one end of the kingdom to the other. But what was the plan adopted by government here, to allay the heats, moderate the expectations, or calm the passions

of the people of Ireland? To the overthrow of common sense, to the astonishment of mankind, and in direct contradiction and defiance of every maxim of good policy, instead of calling the parliament of this country before that of Ireland, and giving the Irish some certain pledge of our good intentions towards them; before their parliament was suffered to assemble, the minister, grossly departing from every motive of prudence and common policy, prorogued the British parliament and called together the parliament of Ireland. To that single act of folly might be fairly and exclusively ascribed the unanimous vote of both the Houses of the Irish parliament, insisting upon a free trade. To that criminal neglect and fatal omission, we were to impute the tumult and alarming riot which lately happened in Dublin; and to that we might fairly charge any failure or material difficulty or obstruction which might arise, or in the end defeat the final establishment and protection of the real interests and separate rights of both countries, founded on the great basis of mutual benefit, and sisterly friendship and affection. The present scene was, indeed, a melancholy and alarming one; and if any mischievous consequences should ensue, he might to the face of the noble lord in the blue ribbon boldly and justly assert, that they were generated by the oppressive and cruel conduct of the ministers and government here; that they had been fostered by the folly and gross ignorance of those counsellors, whose removal the amendment pointed to; and could only prove fatal, if the same counsellors were to be kept in by the influence of the crown, against almost the united sense of the nation.

The noble lord at the head of the treasury had been warned last session of the impropriety of proroguing the parliament at so critical a moment; but the warning was given in vain, and the advice that accompanied it rejected by the noble lord, under the plausible pretence, that it could be called in fourteen days, if the exigency of affairs required, or any circumstance should arise, during the intended recess, that might especially call for it. Yet par-

liament was not assembled; the noble lord, therefore, had taken upon himself all the eventual consequences of that omission, for had that House continued to sit, except in the intervals of short adjournments, till some time anterior to the meeting of the Irish parliament, the discontents and disputes between the two kingdoms, on the subject of trade and commerce, would never have risen to the pitch they had done, nor would such difficulties have taken place as those which now stood in the way of an easy and friendly accommodation. He therefore gave his hearty concurrence to the amendment moved by his noble friend.

The question being put on the amendment, the House divided: Yeas 134: Noes 233. So it passed in the negative; after which the original address was agreed to.

THE EARL OF UPPER OSSORY'S MOTION ON THE DISCONTENTS IN IRELAND: *

December 6.

THIS day the Earl of Upper Ossory moved, "That it is highly criminal in his majesty's ministers, to have neglected taking effectual measures for the relief of the kingdom of

* "The parliament of Ireland met on the 12th of October, and soon shewed that they had received a portion of the general spirit of the nation. They declared in their addresses to the throne, that nothing less than a free and unlimited trade could save that country from ruin. The addresses were carried up with great parade amidst the acclamations of the people. The Duke of Leinster, who commanded the Dublin volunteers, escorted the Speaker in person upon that occasion; whilst the streets were lined on both sides, from the parliament-house to the castle, by that corps, drawn up in their arms and uniforms. That nobleman had also moved for the thanks of the lords to the

Ireland, and to have suffered the discontents in that kingdom to rise to such a height, as evidently to endanger a dissolution of the constitutional connection between the two kingdoms, and to create new embarrassments to the public councils, by division and diffidence, in a moment, when real unanimity, grounded on mutual confidence and affection, is confessedly essential to the preservation of what is left of the British empire." The motion was seconded by Lord Midleton, and supported by Mr. Burke, Mr. Thomas Townshend, Mr. Fox, Colonel Barré, and Mr. Dunning. It was opposed by Sir John Wrottesley, Lord Beauchamp, Earl Nugent, Mr. Dundas, Mr. Macdonald, Lord North, Mr. Welbore Ellis, Lord George Germain, and the Attorney-General.

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volunteer corps throughout the kingdom, which was carried with only one dissenting voice.

" The associations and people at large, full of anger and jealousy, manifested strong apprehensions of political duplicity on this side of the water; and, perhaps, did not place a perfect confidence in the steadiness or perseverance of their own parliament. They were afraid that they would be amused by fair and empty promises, until they had resigned their power, along with the national purse, by granting the supplies for the two following years, according to the customary mode in that country; when being no longer necessary to government, a sudden prorogation would put an end to all hope of, at least, amicable redress, for the present. Under this apprehension, a short money bill, for six months only, by which means Parliament would still continue indispensably necessary to government, became the general cry of the nation.

" As this innovation upon established form and method was strongly opposed, particularly by the court party, the Dublin mob thought it necessary to shew their zeal in the public cause; they were accordingly guilty of great and violent outrages, as well in their endeavours to enforce the measure, as in their punishment of the refractory. Although the Irish parliament used proper measures to express their resentment and to maintain their dignity upon this occasion; yet many of themselves being inclined to a vigorous proceeding, and the rest borne down by a cry almost universal in the nation, the representatives found it at length necessary to comply, and the short money bill was accordingly passed on that side: a necessity equally convincing, secured the passage of that humiliating and mortifying act in England." Annual Register.

Mr. BURKE* rose in reply to Lord Beauchamp, and indulged himself with opening a vein of the most delicate and pointed ridicule, directed to the apparent embarrassment in which his lordship was involved, that of being an advocate by choice or compulsion on both sides of the question. He recalled fresh to his memory a similar situation of a very facetious gentleman, eminent for his skill and abilities, at the Irish bar, a Mr. Harwood, who being employed by a lady in a suit in the spiritual court against her husband, for cruelty and ill-treatment, in order to obtain a divorce from bed and board, was also retained in a court of common law by the husband, as counsel in a suit instituted by the lady to obtain a separate maintenance. The counsel said in another place, he would prove that the lady had good grounds to insist that she was intitled to a decree in her favour, but now he must contend, that she had given just cause for the treatment she had received from her husband, and therefore he hoped the court would consider properly of the provocation which had been given to his client. The noble lord who spoke last, had, like the facetious barrister, on one day taken up the cause of his Irish clients, and on the other proved himself an able and ingenious advocate in behalf of his ministerial friends. Thus the noble lord had endeavoured to prove in the same breath, that Ireland had been extremely ill-treated by England; for that if half what she now asked had towards the conclusion of the last session been granted her, she would have been content, though the whole of her demands, if now granted, would only be accepted as a right, for which neither thanks nor gratitude would be due or acknowledged. After presenting this argument in a variety of shapes, in each of which he attempted to shew, that it involved the utmost absurdity and contradiction, he begged

* See "Letter to Thomas Burgh, Esq. dated New Year's Day 1780; in vindication of the author's parliamentary conduct, relative to the affairs of Ireland." Burke's Works, vol. ix. p. 226.

leave to remind the noble lord, that it was the gross neglect, if not active and determined opposition, of the noble lord in the blue ribbon, to whom this country lay under the obligation, that half of what would last spring have been accepted as a favour, would now be demanded by Ireland as a right.

He then proceeded to give a narrative of the whole transaction, so far as it related to the conduct of the minister, for whom the noble lord now stood so zealous and willing an advocate. He observed, that since the defeat of the relief intended for Ireland the preceding session, many gentlemen, who then opposed the granting of it, had altered their opinions, in consequence of which, a noble lord near him (Newhaven) distinguished himself in the cause of Ireland, in a very commendable manner. He made a proposition in a committee of the whole House; it was agreed to and reported; a bill was brought in and read a first time, and it passed through two or three stages, of its progress towards maturity. What was the consequence? The bill was thought secure; but when the noble lord in the blue ribbon was apprized of its probable success, he departed from his professed neutrality, and came surrounded with all the power of office, and threw out the bill. He was ready to agree with the noble lord who spoke last, that this was no proof of neglect, but rather uncommon assiduity, considering the native inattention of the minister. When he said this, however, he expected that the noble lord who spoke last, would agree with him in turn, that it was a most unfortunate, as well as an uncommon exertion of the minister's assiduity.

He observed, that much had been said, and much more would be said, he made no doubt, in the course of the debate, to shew that ministers were not chargeable with neglect: what he was going now to offer, more particularly applied to the minister. A noble lord in the other House had lately quitted his majesty's councils. What were his reasons? They were well known; because he could not assist there any longer either in honour or conscience. The first officer of rank in the state resigns, at a critical

moment, at a moment of the first importance, and assigns his motives publicly, "that he could no longer remain at the head of his majesty's councils with honour and conscience." He only desired the House seriously to reflect on such a state of things, and determine like honest men, whether it was possible at such a crisis as this, considering all the tremendous circumstances attending it, to expect any thing but immediate ruin and final destruction.

He had heard the noble lord in the blue ribbon, a few nights since, declare it to be the positive intention of the king's ministers to carry on the American war, in order to compel her to an acknowledgement of the legislative claims of this country; *he had heard an honourable* baronet, (Sir J. Wrottesley,) who spoke early, announce news of a very alarming nature, which had been recently received from the other side of the Atlantic. What, then, was the situation of this devoted country? America lost; stripped of our West India possessions; Ireland with 42,000 men in arms; divided in our councils, and an incapable and unpopular administration! Why, the same obstinate perseverance was to be adhered to, so long as we had a man, a shilling, or a foot of land. It was finally determined, that every unfortunate man who had been sent to America, upon the romantic and impracticable plan of the conquest or subduction of that country, *should either fall by the* sword, or be led captive by a victorious enemy.

Mr. Burke then gave a short sketch of the Irish measures, their origin, and mischievous tendency. Ireland spurned at the British claim of dominion: she looked upon herself free and independent, and was *firmly determined* to maintain it. *A mob had risen in* Dublin, and non-importation agreements had taken place; why not, like ill-fated Boston, shut up the port of Dublin, burn Cork, reduce Waterford to ashes? Why not prohibit all popular meetings in that kingdom, and destroy all popular elections? Why not alter the usual mode of striking juries, as was done by the Massachusets Bay charter bill? Why not bring the Dublin rioters over to this country to be

tried by an English jury? Why not shut up their ports and prevent them from trading with each other? And lastly, why not declare them out of the king's peace? In short, why not proscribe the principal leaders, who held commissions not under the crown but by virtue of election of the very corps which they commanded, and declare the whole kingdom in rebellion? The answer was plain and direct. Ministers dare not: sad and dear-bought experience had taught them the folly as well as impracticability of such measures: the danger of the present awful moment made insolence and arrogance give way to fear and humiliation. He was filled with astonishment, when he beheld his majesty persevering in such measures, conducted by such men, and lamented the fatal determination which seemed to tend to staking his empire on the event. He applied a remark of Charles II. relative to Louis XIV., whose ministers, since he must be gratified in that way, selected the oldest and plainest women they could find, in order to correct, if not totally to subdue the lusts of the flesh. As a political simile it was justly applicable to his present majesty. His advisers had managed so dexterously as to keep a set of ministers about him, extremely well calculated to subdue his ambition, and by a loss of a considerable part of his dominions, and risk of losing all, to keep him in a state of mortification, and by making him do penance, conciliate him to disappointment, and thereby banish from his breast the lust of power and dominion.

He then adverted to the example held out to Ireland by our conduct towards America. The American war, he said, originated in injustice, was conducted with cruelty, and was likely to end in infamy, disgrace, and disappointment. The loyalty of the people of Ireland could no more procure justice at the hands of ministers, than the stubborn spirit of America. Ireland, driven to the last stage of human misery and distress, was left to her wretched fate; she entreated, she supplicated, but in vain. Without a pretence of offence on her part, she was left to her fate, unattended to, and unpitied. On the other hand, what was

the conduct of administration towards America? The noble lord in the blue ribbon has often told you she rebelled. Well, and what next? After a two years' ineffectual attempt to subdue it, ministers relinquished every thing. Those very people whom but a few months before he considered as rebels, he offered to treat with upon a footing of equality. He, in fact, offered them every *thing* but the mere name of independency, and the empty patronage of the crown. Attend, then, to the similarity of circumstances: Ireland a few months ago, like America at the commencement of the war, would be contented with a few paltry favours, which were refused to her. Ireland now will not be satisfied with any thing short of a *free trade*. America has pointed out to her, not the rule of her conduct, but her just claims upon this country. The people of Ireland have reasoned fairly and justly: the colonies they know have been offered the most that their own most sanguine expectations could aspire to, a free trade with all the world. America, for her revolt, has had a choice of favours held out to her. This is the reward of rebellion. Ireland for her loyalty for almost a century, and her forbearance under accumulated oppression and internal distresses, has been refused the mighty indulgence of importing her own sugars. The Irish justly conceived that their merit ought not to be imputed to them as demerit; and that the first principles of all good government would be departed from, if their deserts were to be weighed in the political scale, as only entitling them to punishment, not reward. At all events, without taking any peculiar merit with the British government for their loyal, faithful, and peaceable demeanour, they thought they were at least entitled to meet the colonies upon equal terms, and with equal expectations of favour and relief to those which America had spurned at with contempt.

These were the grounds on which the people of Ireland proceeded, when all hopes of redress from this side of the water had vanished. What was the first resolution they adopted? Like America, to consume no more British manu-

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factures. The next? to enforce this resolution, by rendering it operative and extensive; and for that purpose entering into a non-importation agreement. What next? To arm and array themselves to the number of 40,000 men. What next? A parliamentary declaration, that nothing short of a free trade could afford them effectual relief; and as the last act, in order to secure a due and faithful performance of what they claim, they pass a money bill for six months. Ministers have but six months' credit with the parliament of Ireland. What, then, was the true state of both kingdoms? Ireland insisting on a free trade, or determined to break off all political connection with this country.

The noble lord had endeavoured to legalize the associations in Ireland with remarkable ingenuity, under the sanction of two acts of parliament. One of them was out of the question, he believed, by any possible interpretation that could be put upon it, [the Bill of Rights, as not extending to Ireland, we presume;] the other was, in fact, not less so. He meant the act passed in the Irish parliament, in the year 1745, during the rebellion in Scotland. Did the noble lord mean to say, that by that act, men had a right to arm themselves, and elect their own officers? and that those officers were legally commissioned to act without an authority from the crown? If he did, the idea was preposterous, and to the last degree absurd, and as such, he presumed, the noble lord had not expressed himself agreeably to his real intentions. The great dispute which brought on the civil war, and which had been so often between the king and parliament, and on which their disputes at the commencement chiefly turned, was the very particular point now under consideration, so far as it related to the assertions of the noble lord; and he believed it was a principle ascertained by the constitution, and confirmed by positive law, that, let men be armed by the state, or by themselves, they cannot act or assemble but under a commission from his majesty. He had a most respectable authority to support him in this opinion, no less than the lord chancellor of Ireland; Lord Lifford, who, when a vote

of thanks was moved and agreed to by the majority of the House of Lords of Ireland, to the associators of that kingdom, refused to give his assent, honestly stating his reasons, that he could never join in a vote of thanks as a peer of parliament or a lawyer, to any set of men, let their motives be ever so laudable or patriotic, who were acting in a military capacity, contrary to law.

Though an Irishman by birth, he was urged, he said, from real sentiment, to express his warmest gratitude to this country, which had raised him from an humble situation, from obscurity, to a seat in the great national council; and declared, that he must be the most ungrateful and worthless man existing, if he ever forgot the profusion of favours she had heaped upon him; he would not say totally unmerited, but infinitely beyond any thing his most sanguine expectations ever held out to him. He hoped he had acted an open, honest, and candid part towards his constituents; he was certain he sincerely meant to do so. He acquainted them with his sentiments: he might have been mistaken; he could with truth affirm, if he erred, he erred unintentionally, and with the best dispositions for promoting the mutual interest of both kingdoms. He did not mean to support what he thought at the time by subsequent events. He might have been mistaken then, or be so now; but this he could honestly declare, that he acted to the best of his judgment, without the smallest degree of conscious predilection for the interests of either kingdoms, further than they appeared to him solidly and inseparably united.

He was induced, from every consideration which struck him, to believe, that whatever measure would serve Ireland essentially, would, and must in the end, serve England: but if ever any concessions on the part of his native country should be insisted upon, derogatory to the interest and prosperity of this country, he would be one of the first men in that House, in the character of a British senator, to rise and oppose, in the most peremptory and decisive manner,

any proposition tending directly or indirectly to any such point.

In the course of his speech, among a variety of other matters of less consequence, he observed that the noble lord who commenced the debate said, he hoped parliament would not treat it as a metaphysical question. He heartily joined the noble lord in this wish. It was our metaphysical quarrel about mere words, that had caused the American war, and that had reduced us to our present humiliating and calamitous state. We had commenced that war, not to recover a substance, but to possess what, if obtained, would have proved no more than a shadow. The noble lord said, it was no longer a question of commerce, it was become a question of state. He most certainly coincided in the noble lord's opinion. Two years, even perhaps one year ago, it was a question of commerce; and because it was no longer so, was the true ground of the charge stated in the motion, that of a criminal or blameable negligence in ministers; this, though urged in defence or extenuation, was the very basis of the charge against them; for they had by their conduct changed a mere question of commerce into a question of state. The British parliament were directly led, or compelled to declare which shape the question was to take; they had no time for deliberation or reflection; Ireland held out the alternative, and there remained but a single choice.

At half past twelve the House divided on the Earl of Upper Ossory's motion: Yeas 100: Noes 192. So it passed in the negative.

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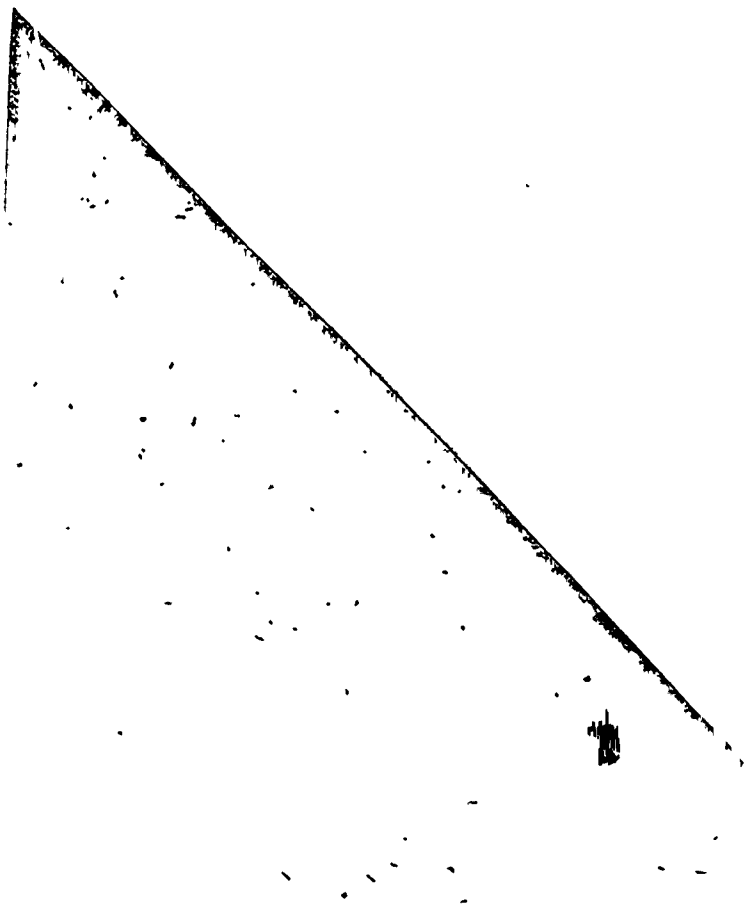

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